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THE

JOURNAL OF THE ASSEMBLY

DURING THE

THIRTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF CALIFORNIA,

1907.

Began on Monday, January Seventh, and ended on Tuesday, March Twelfth, Nineteen Hundred and Seven.

SACRAMENTO:
W. W. SHANNON, - - - - - - - - - - SUPT. STATE PRINTING.
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CALIFORNIA LEGISLATURE—ASSEMBLY.

THIRTY-SEVENTH SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Monday, January 7, 1907.

Pursuant to the requirements of the Constitution and the law, at the hour of twelve o'clock M., the Assembly of the thirty-seventh session of the Legislature of California was called to order by Clio Lloyd, Chief Clerk of the thirty-sixth session.

In conformity with law the following officers of the thirty-sixth session were also present: J. Steppacher, Minute Clerk, and J. T. Stafford, Sergeant-at-Arms.

PRAYER.

By invitation of the Chief Clerk, prayer was offered by Rev. P. H. Willis, of Plumas County.

APPOINTMENTS.

The Chief Clerk announced the following appointments of attachés for the temporary organization of the Assembly:

Assistant Clerks—Thomas G. Walker, H. M. Harford.
Assistant Minute Clerk—C. S. MacMullan.
Assistant Sergeants-at-Arms—Ben Cohn, John D. Bailey, W. H. Wickersham.
Postmistress—Mrs. Smith.
Stenographer—Miss Washburn.
Storekeepers—J. Dennigan, Mark Senna.
Pages—Lester Summerfield, —— Hagerty, Elmo Sullivan, Eddie Fitzgerald, Frank F. Branch, Leslie J. Williams, Raymond Hart, Frank Shields, Arthur Thompson.
Coat-Room Attendant—A. L. Bragg.

CERTIFICATE OF SECRETARY OF STATE.

The Chief Clerk then read the following certified list of the membership of the Assembly for the thirty-seventh session:

STATE OF CALIFORNIA,
DEPARTMENT OF STATE.

I, C. F. Curry, Secretary of State of the State of California, do hereby certify that the following is a complete list of the Members of the Assembly, elected at the general election held on the 6th day of November, 1906, to represent the State of California at the thirty-seventh session of the Legislature of the said State of California, as appears from the statement of vote received from the County Clerks of the county or counties, and the Registrar of Voters of the City and County of San Francisco, comprising the several Assembly Districts of the State of California, said statement of vote being of record and on file in this office.

Witness my hand and the Great Seal of the State of California, at office in Sacramento, this 7th day of January, A. D. 1907.

[SEAL.] C. F. CURRY, Secretary of State.

ALAMEDA—E. K. Strobridge, Forty-sixth District; Frank Otis, Forty-seventh District; Philip M. Walsh, Forty-eighth District; J. J. Burke, Forty-ninth District; John W. Stetson, Fiftieth District; George J. Hans, Fifty-first District; John M. Eshleman, Fifty-second District.
ALPINE, AMADOR, CALAVERAS, MONO—George F. Snyder, Eleventh District.
BUTTE—W. J. Costar, Seventh District.
COLUSA, GLENN, LAKE—F. M. Smyth, Twelfth District.
CONTRA COSTA—P. C. Campbell, Twenty-second District.
DEL NORTE, SISKIYOU, TRINITY—T. J. T. Berry, First District.
EL DORADO, PLACER—E. S. Birdsall, Tenth District.
FRESNO—W. F. Chandler, Sixtieth District; A. M. Drew, Sixty-first District.
HUMBOLDT—Charles P. Cutten, Second District; John W. McClellan, Third District.
INYO, TULARE—P. W Forbes, Twenty-seventh District.
KERN—H. W. McMullin, Sixty-sixth District.
KINGS—Wm. L. McGuire, Sixty-second District.
LASSEN, MODOC, SHASTA—N. A. Cornish, Fourth District.
LOS ANGELES—Gideon S. Case, Sixty-seventh District; Prescott F. Cogswell, Sixty-eighth District; Newton W. Thompson, Sixty-ninth District; Walter R. Leeds-Seventieth District; P. A. Stanton, Seventy-first District; Fred E. Pierce, Seventy, second District; J. P. Transue, Seventy-third District; Robson O. Bell, Seventy-fourth District; Percy V. Hammon, Seventy-fifth District.
MADERA, MERCED, STANISLAUS—R. K. Whitmore, Twenty-fifth District.
MARIN—Edward I. Butler, Twenty-first District.
MARIPOSA, TUOLUMNE—E. N. Baxter, Twenty-sixth District.
MENDOCINO—W. D. L. Held, Sixth District.
MONTEREY—J. J. Wyatt, Fifty-ninth District.
NAPA—Frank W. Bush, Fifteenth District.
NEVADA—George W Root, Ninth District.
ORANGE—Clyde Bishop, Seventy-seventh District.
PLUMAS, TEHAMA, SIERRA—J. W. Finney, Fifth District.
RIVERSIDE—Miguel Estudillo, Seventy-eighth District.
SACRAMENTO—Grove L. Johnson, Seventeenth District; Frank J. O'Brien, Eighteenth District; Edward J. Lynch, Nineteenth District.
SAN BENITO—J. O. Davis, Fifty-eighth District.
SAN BERNARDINO—William Fletcher Lemon, Seventy-sixth District.
SAN DIEGO—W. F. Ludington, Seventy-ninth District; Percy A. Johnson, Eightieth District.
SAN FRANCISCO—Peter J. Kelly, Twenty eighth District; John A. Cullen, Twenty-ninth District; James A. Wilson, Thirtieth District; Daniel J. Toomey, Thirty-first District; Patrick J. Boyle, Thirty-second District; Paul F. Fratessa, Thirty-third District; John McKeon, Thirty-fourth District; F. Hugo Hartmann, Thirty-fifth District; John Wessling, Thirty-sixth District; Dennis W. Barry, Thirty-seventh District; Samuel H. Beckett, Thirty-eighth District; Charles M. Fisher, Thirty-ninth District; Henry Thompson, Fortieth District; Nathan C. Coghlan, Forty-first District; Samuel T. Kohlman, Forty-second District; Dominick J. Beban, Forty-third District; Mel Vogel, Forty-fourth District; Louis Strohl, Forty-fifth District.
SAN JOAQUIN—R. L. Beardslee, Twenty-third District; Arthur E. Percival, Twenty-fourth District.
SAN LUIS OBISPO—Warren M. John, Sixty-third District.
SAN MATEO—J. H. Jury, Fifty-third District.
SANTA BARBARA—E. M. Pyle, Sixty-fourth District.
SANTA CLARA—J. T. Higgins, Fifty-fifth District; Guy W. Smith, Fifty-sixth District; C. C. Spaulding, Fifty-seventh District.
SANTA CRUZ—Harry C. Lucas, Fifty-fourth District.
SOLANO—Frank R. Devlin, Twentieth District.
SONOMA—Stanley W. Collister, Thirteenth District; H. W. A. Weske, Fourteenth District.
SUTTER, YUBA—A. H. Hewitt, Eighth District.
VENTURA—George L. Sackett, Sixty-fifth District.
YOLO—J. I. McConnell, Sixteenth District.

ROLL CALL OF COUNTIES.

The Chief Clerk directed that as the roll of counties was called the members-elect representing such counties should proceed to the Clerk's desk, take and subscribe to the oath of office, and return to their seats.

MEMBERS SWORN IN.

As required by Section 239 of the Political Code, the Chief Clerk called the roll of counties in alphabetical order, and the following gentlemen appeared and were duly qualified by taking and subscribing to

the following oath, administered by P. J. Shields, Judge of the Superior Court of the County of Sacramento:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will faithfully discharge the duties of member of the Assembly of the thirty-seventh session of the California Legislature to the best of my ability.

Messrs. Barry, Baxter, Beardslee, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—80.

The Chief Clerk declared a quorum present.

The Chief Clerk announced that the next order of business was the election of officers for the thirty-seventh session of the Assembly, and declared that nominations for the office of Speaker of the Assembly were next in order, and called for nominations.

NOMINATIONS FOR SPEAKER.

Mr. Walsh of Alameda placed in nomination for Speaker Hon. R. L. Beardslee of San Joaquin.

Mr. Stanton of Los Angeles seconded the nomination of Mr. Beardslee.

Mr. Estudillo of Riverside seconded the nomination of Mr. Beardslee.

Mr. Drew of Fresno seconded the nomination of Mr. Beardslee.

Mr. Davis of San Benito placed in nomination for Speaker Hon. J. I. McConnell of Yolo.

Mr. Fisher of San Francisco seconded the nomination of Mr. McConnell.

Mr. Forbes of Inyo seconded the nomination of Mr. McConnell.

Mr. Coghlan of San Francisco seconded the nominations of Messrs. Beardslee and McConnell.

There being no further nominations, the roll was ordered called.

ELECTION OF SPEAKER.

The roll was called, with the following result:

For Hon. R. L. Beardslee—Messrs. Barry, Beban, Beckett, Bell, Berry Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—74.

For Hon. J. I. McConnell—Messrs. Baxter, Davis, Forbes, McKeon, Smyth—5.

The Chief Clerk announced the vote for each candidate and declared Hon. Robert L. Beardslee of San Joaquin duly elected Speaker of the Assembly for the thirty-seventh session of the California Legislature, he having received a majority of all the votes cast.

SPEAKER ESCORTED TO THE CHAIR.

The Chief Clerk appointed Messrs. McConnell, Drew, Stanton, Coghlan, Estudillo, and Devlin as a special committee to escort Speaker-elect Beardslee to the chair.

OATH OF OFFICE.

Upon arriving at the bar of the Assembly Speaker-elect Beardslee took and subscribed to the following oath administered by Hon. P. J. Shields, Judge of the Superior Court of Sacramento County:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and I will faithfully discharge the duties of the office of Speaker of the Assembly to the best of my ability.

SPEAKER IN THE CHAIR.

Hon. Robert L. Beardslee of San Joaquin, Speaker of the Assembly, thereupon assumed the chair.

The Speaker returned thanks for the honor conferred upon him by his election as Speaker of the Assembly, promising that his best abilities would be given to the faithful discharge of his duties, with fairness to all the members.

NOMINATIONS FOR SPEAKER PRO TEM.

The Speaker declared the election of Speaker pro tem. to be next in order, and called for nominations.

Mr. Burke of Alameda placed in nomination for Speaker pro tem. Hon. J. P. Transue of Los Angeles.

Mr. Pierce of Los Angeles seconded the nomination of Mr. Transue.

On motion of Mr. Coghlan, nominations were declared closed.

The roll was called, with the following result:

For Hon. J. P. Transue—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John-Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludlington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson, of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—79.

Whereupon the Speaker declared the Hon. J. P. Transue duly elected Speaker pro tem. of the Assembly for the thirty-seventh session, and appointed Messrs. Burke and Pierce a committee to escort Speaker pro tem. elect Transue to the bar of the Assembly, where he took and subscribed to the following oath, administered by Hon. P. J. Shields, Judge of the Superior Court of Sacramento County:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will discharge the duties of the office of Speaker pro tem. of the Assembly according to the best of my ability.

ELECTION OF CHIEF CLERK.

The Speaker next declared the nomination and election of Chief Clerk of the Assembly in order.

Mr. Pyle of Santa Barbara placed in nomination for the office of Chief Clerk of the Assembly, thirty-seventh session, Mr. Clio Lloyd of Santa Barbara County.

Messrs. Sackett of Ventura and Baxter of Mariposa seconded the nomination of Mr. Lloyd.

Whereupon the nominations, upon motion of Mr. Kelly, were declared closed.

The roll was called, with the following result:

For Clio Lloyd—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Bishop, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

Whereupon the Speaker declared Mr. Clio Lloyd duly re-elected Chief Clerk of the Assembly, and appointed Messrs. Pyle and Baxter a committee to escort Chief Clerk elect Lloyd to the bar of the Assembly, where he took and subscribed to the following oath, administered by the Hon. P. J. Shields, Judge of the Superior Court of Sacramento County:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will faithfully discharge the duties of the office of Chief Clerk of the Assembly to the best of my ability.

ELECTION OF SERGEANT-AT-ARMS.

The Speaker declared the next order of business the nomination and election of Sergeant-at-Arms of the Assembly, thirty-seventh session.

Mr. Johnson of Sacramento placed the name of John T. Stafford of Sacramento County in nomination for the office of Sergeant-at-Arms of the Assembly.

The nomination was seconded by Mr. McConnell of Yolo, and on motion of Mr. Kelly, the nominations were declared closed.

The roll was called, with the following result:

For John T. Stafford—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewett, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—78.

The Speaker thereupon declared Mr. John T. Stafford duly re-elected Sergeant-at-Arms of the Assembly.

Mr. Stafford thereupon presented himself at the bar of the Assembly and took and subscribed to the following oath administered by the Speaker:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office of Sergeant-at-Arms of the Assembly according to the best of my ability.

NOMINATION AND ELECTION OF CHAPLAIN.

The Speaker declared next in order the nomination and election of Chaplain of the Assembly.

Whereupon Mr. Finney of Sierra nominated Rev. P. H. Willis, of Plumas County, for Chaplain of the Assembly, thirty-seventh session.

Further nominations, on motion, were declared closed.

The roll was called, with the following result:

For Rev. P H. Willis—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

The Speaker then declared Rev. P. H. Willis duly elected Chaplain of the Assembly, and by direction was escorted to the bar of the Assembly, where he took and subscribed to the following oath:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will discharge the duties of the office of Chaplain of the Assembly according to the best of my ability.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Johnson of Sacramento:

Resolved, That the Chief Clerk be and he is hereby directed to inform the Senate that the Assembly is organized by the election of the following officers, viz:

Speaker—R. L. Beardslee.
Speaker pro tem.—J. P. Transue.
Chief Clerk—Clio Lloyd.
Sergeant-at-Arms—J. T. Stafford.
Chaplain—P. H. Willis.

The resolution was read and, on motion, adopted.

By Mr. Stetson:

Resolved, That a committee of three be appointed by the Speaker to wait upon the Governor and inform his Excellency that the Assembly is organized and awaits any communications he may have to make to it.

The resolution was read and, on motion, adopted.

By Mr. Johnson of Sacramento:

Resolved, That the standing rules of the thirty-sixth session be and the same are hereby adopted as the temporary rules of this House until otherwise ordered, with the following changes, to wit: "1907" shall be inserted in lieu of "1905" wherever these latter figures occur.

The resolution was read and, on motion, adopted.

Also:

Resolved, That the Speaker be and he is hereby authorized to appoint a Committee on Rules, to consist of five members, one of whom shall be the Speaker, and that said committee be and it hereby is directed to report, as speedily as possible, rules for the government of the Assembly.

The resolution was read and, on motion, adopted.

RESOLUTION OF SYMPATHY.

By Mr. Thompson of Los Angeles:

WHEREAS, This House has learned with deep regret, of the death of Mrs. Mary Savage, wife of Senator W. H. Savage, a former member of this body; therefore, be it

Resolved, That the heartfelt sympathy of our members is extended to Senator Savage and his family, in their affliction; and be it further

Resolved, That this resolution be entered in the Journal and an engrossed copy be sent to the surviving husband.

The resolution was read and unanimously adopted by a standing vote.

RESOLUTION OF RESPECT.

By Mr. Burke:

WHEREAS, Since the last session of the Legislature the Hon. R. H. E. Espey, who was then a member of the Assembly from Alameda County, has died; now, therefore, be it

Resolved, That when we adjourn this afternoon, we adjourn out of respect to the memory of the said Mr. Espey.

The resolution was read and unanimously adopted by a standing vote.

RESOLUTION.

By Mr. Transue:

Resolved, That the Speaker be and he hereby is authorized to appoint immediately a Committee on Mileage, to consist of three members.

The resolution was read and, on motion, adopted.

PRIVILEGES OF THE FLOOR.

Mr. Fisher offered the following:

Resolved, That the privileges of the floor be extended to the Hon. Thos. E. Atkinson of San Francisco, ex-Speaker of the Assembly.

The resolution was read and, on motion, adopted.

REQUEST BY SPEAKER.

The Speaker requested that all members inform him as soon as possible of the committees to which they desired to be appointed.

APPOINTMENT OF COMMITTEES.

The Speaker announced the appointment of the following committees:

Committee to Wait on the Governor and Notify him of Organization—Messrs. Stetson, Pyle, and McConnell.

Committee on Mileage—Messrs. Pierce, Beckett, and O'Brien.

ADJOURNMENT.

At one o'clock and fifty minutes P. M., Mr. Burke moved that the Assembly adjourn until ten o'clock A. M. of Tuesday, January 8, 1907.

Motion put and carried.

Whereupon, at one o'clock and fifty-two minutes P. M. the Speaker declared the Assembly adjourned until ten o'clock A. M. of Tuesday, January 8, 1907, out of respect to the memory of the late Hon. R. H. E. Espey, a member of the Assembly, thirty-sixth session of the Legislature.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 8, 1907.

Pursuant to adjournment, the Assembly met at ten o'clock A. M. Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

ROLL CALL.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, Mr. Transue moved that the further reading be dispensed with.

Motion carried, and such was the order.

ELECTION OF MINUTE CLERK.

Mr. John moved that the Assembly proceed to the election of a Minute Clerk.

Motion carried.

Mr. John placed in nomination C. S. MacMullan, of Alameda, for the position of Minute Clerk of the Assembly.

Mr. Walsh seconded the nomination.

Nominations, on motion of Mr. Walsh, were declared closed.

The roll was called, with the following result:

For C. S. MacMullan—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—74.

The Speaker thereupon declared Mr. C. S. MacMullan duly elected Minute Clerk of the Assembly.

Mr. MacMullan presented himself at the bar of the Assembly and took and subscribed to the following oath, administered by the Speaker:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of Minute Clerk of the Assembly to the best of my ability.

SENATE MESSAGES.

On motion of Mr. Johnson of Sacramento, Senate messages were taken up and read as follows:

SENATE CHAMBER, SACRAMENTO, January 7, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day at twelve o'clock M., in compliance with the provisions of the Constitution and the Statutes of the State of California, with the Lieutenant-Governor presiding, regularly organized by the election of the following permanent officers of the Senate during the thirty-seventh session of the Legislature:

President pro tem.—E. I Wolfe.
Secretary—Lewis A. Hilborn.
Sergeant-at-Arms—J. Louis Martin.
Minute Clerk—G. Ray Horton.
Chaplain—C. H. Darling.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

Communication ordered placed on file.

Also:

SENATE CHAMBER, SACRAMENTO, January 7, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 1—In re inaugural ceremonies—and request your honorable body to concur in the same.

LEWIS A. HILBORN, Secretary of Senate.

SENATE CONCURRENT RESOLUTION No. 1.

Resolved by the Senate, the Assembly concurring, That a committee of three members of the Senate be appointed to confer with a committee of four from the Assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the President of the Senate and the Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expense to be paid equally by the Senate and Assembly out of their several contingent funds, and not to exceed in the aggregate the sum of fifteen hundred dollars.

Resolution read.

On motion of Mr. Johnson of Sacramento, the Assembly concurred in Senate Concurrent Resolution No. 1, by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fraressa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—79.

NOES—None.

The Chief Clerk was thereupon directed to inform the Senate that the Assembly concurred in its resolution.

APPOINTMENT OF COMMITTEE ON RULES.

The Speaker announced the following appointments:

On Rules and Regulations—Messrs. Johnson of Sacramento, Chairman; Estudillo, Cutten, Forbes, and Mr. Speaker.

JOINT COMMITTEE ON INAUGURAL CEREMONIES.

In compliance with the provisions of Senate Concurrent Resolution No. 1, the Speaker announced the following as members of the Joint Committee on Arrangements for the inaugural ceremonies:

Messrs. Transue, Chairman; O'Brien, Coghlan, and McConnell.

RESOLUTIONS.

Mr. John offered the following resolution and moved its adoption:

Resolved, That the following named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names; said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 7th day of January, 1907; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diem; and the State Treasurer is hereby authorized and directed to pay the same.

T. G. Walker	Assistant Clerk	$6 00
W. H. Wright	Assistant Clerk	6 00
Harry E. Miller	Assistant Clerk	6 00
W. H. Wickersham	Assistant Clerk	6 00
Ben Cohn	Assistant Sergeant-at-Arms	5 00
T. B. Harris	Assistant Sergeant-at-Arms	5 00
Frank G. Hildenbrand	Assistant Sergeant-at-Arms	5 00
Cornelius Murphy	Assistant Sergeant-at-Arms	5 00
Mark Senna	Assistant Sergeant-at-Arms	5 00
R. D. Hoffman	Assistant Sergeant-at-Arms	5 00
Ed. Vaughn	Assistant Sergeant-at-Arms	5 00
C. W. Haub	Bookkeeper to Sergeant-at-Arms	5 00
J. W. Summerfield	Assistant Minute Clerk	6 00
R. L. Dempsey	Journal Clerk	6 00
J. F. R. Arellanes	Assistant Journal Clerk	5 00
C. Deitrick	Assistant Journal Clerk	5 00
I. Roy Cogswell	Assistant Journal Clerk	5 00
J. E. Niles	Assistant Journal Clerk	5 00
William A. Price	Engrossing and Enrolling Clerk	6 00
S. G. Tyler	Assistant Engrossing and Enrolling Clerk	5 00
W. B. Webster	Assistant Engrossing and Enrolling Clerk	5 00
W. H. McGinney	Assistant Engrossing and Enrolling Clerk	5 00
W. N. Speegle	Assistant Engrossing and Enrolling Clerk	5 00
Thos. Conboy	Assistant Engrossing and Enrolling Clerk	5 00
A. Newman	Assistant Engrossing and Enrolling Clerk	5 00
A. C. Sterrett	Assistant Engrossing and Enrolling Clerk	5 00
Mrs. E. M. O'Dea	Assistant Engrossing and Enrolling Clerk	5 00
E. O'Brien	Assistant Engrossing and Enrolling Clerk	5 00
E. Burnett	Assistant Engrossing and Enrolling Clerk	5 00
W. H. Burke	Assistant Engrossing and Enrolling Clerk	5 00
W. C. Guirey	File Clerk	6 00
H. M. Harford	Assistant File Clerk	5 00
R. H. Harbert	Bill Filer	4 00
C. W. Wilson	Bill Filer	4 00
Joseph Noel	Bill Filer	4 00
Thos. M. Hammond	Bill Filer	4 00
Frank Whitney	Bill Filer	4 00
V. Damozonio	Bill Filer	4 00
Mrs. Pauline Smith	Postmistress	4 00
Miss E. Brill	Assistant Postmistress	4 00
Miss Beatrice Robertson	Assistant Postmistress	4 00
Alice Kelly	Assistant Postmistress	4 00
Mollie McDermott	Assistant Postmistress	4 00
H. M. Sitton	Mail Carrier	3 00
Julius Danioth	Page	2 50
B. J. Hegerty	Page	2 50
Frank Branch	Page	2 50
Eddie Fitzgerald	Page	2 50
James Mosher	Page	2 50
William Elwell, Jr.	Doorkeeper	3 00
Henry H. Goodell	Doorkeeper	3 00
James Bridges	Gallery Doorkeeper	3 00
Jack Hanna	Messenger to State Printer	3 00
M. T. Herzog	Bill Clerk	4 00
G. E. O'Brien	Committee Clerk	4 00
C. Y. Williamson	Committee Clerk	4 00
Z. F. Wharton	Committee Clerk	4 00
J. Johnson	Committee Clerk	4 00
J. E. Dower	Committee Clerk	4 00
E. P. Held	Committee Clerk	4 00
Lena Sievers	Committee Clerk	4 00
Bessie Doyle	Committee Clerk	4 00
Al Franklin	Committee Clerk	4 00
Geo. Snook	Committee Clerk	4 00

A. Searl	Committee Clerk	$4 00
C. F. Gross	Committee Clerk	4 00
Miss Hazel Root	Committee Clerk	4 00
R. J. Frank	Committee Clerk	4 00
G. A. Sackett	Committee Clerk	4 00
William Cavanaugh	Committee Clerk	4 00
William Newman	Committee Clerk	4 00
Jas. H. Lewis	Committee Clerk	4 00
Clara Hale	Committee Clerk	4 00
Miss Myrtle Nance	Committee Clerk	4 00
John Lynch	Committee Clerk	4 00
Katherine Kelly	Committee Clerk	4 00
Frank T. Barnes	Committee Clerk	4 00
Lee Murphy	Committee Clerk	4 00
Chas. Dillon	Committee Clerk	4 00
Thos. Conley	Committee Clerk	4 00
J. R. Caldwell	Committee Clerk	4 00
O. S. Buckley	Committee Clerk	4 00
Frank Murphy	Committee Clerk	4 00
Miss Effie Washburn	Stenographer	5 00
Ralph A. Sollars	Stenographer	5 00
Charles Stone	Stenographer	5 00
Lyman Harford	Stenographer	5 00
Adeline Stanton	Stenographer	5 00
W. B. Strong	Stenographer	5 00
Lena Jackson	Stenographer	5 00
Lillian Herzog	Stenographer	5 00
Miss Leslie Contner	Stenographer	5 00
Miss Grace Williams	Stenographer	5 00
Grove J. Fink	Stenographer	5 00
B. R. Fraser	Stenographer	5 00
May Coffield	Stenographer	5 00
William Evans	Stenographer	5 00
Laura Graves	Stenographer	5 00
Louise A. Toon	Stenographer to the Speaker	5 00
W. T. May	Porter	3 00
W. R. Thomas	Porter	3 00
Noah Morgan	Porter	3 00
W. L. Williams	Electrician	3 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—79.

NOES—None.

By Mr. Johnson of Sacramento:

Resolved, That the same patronage be allowed the Democratic members of the Assembly as is allowed to the Republicans.

Resolution read and adopted.

By Mr. McGuire:

Resolved, That each member of the Assembly be and he is hereby allowed twenty-five dollars ($25) for contingent expenses, as provided by law, payable out of the appropriation for the contingent expenses of the Assembly, and that the aggregate amount of the value of the stamps and stationery which any member shall draw on his requisition from the Secretary of State shall be charged to his account as a part of his allowance hereby made.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa,

Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—76.

NOES—None.

By Mr. Baxter:

Resolved, That the privileges of the floor be extended to Hon. James Slaven, ex-member of this House.

Resolution read.

Mr. Transue moved to amend the resolution so that it will read:

Resolved, That the privileges of the floor of the Assembly be extended to all ex-Assemblymen.

Amendment read and adopted.

Resolution, as amended, adopted.

ASSEMBLY CONCURRENT RESOLUTION.

By Mr. Transue:

ASSEMBLY CONCURRENT RESOLUTION NO. 1.

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session in the Assembly Chamber at two o'clock in the afternoon of this day, January 8, 1907, for the purpose of being present when the Speaker of the Assembly shall open and publish the returns of the election for Governor and Lieutenant-Governor, as provided and required by Article V, Section 4, of the Constitution of the State of California.

Concurrent resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewett, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—79.

NOES—None.

MOTION.

Mr. Stetson moved that the committee heretofore appointed to wait upon the Governor, report that the Assembly is regularly organized and ready to receive any communication from him that he may desire to transmit.

Motion carried.

REPORT OF SPECIAL COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 7, 1907.

MR. SPEAKER: Your committee appointed to wait upon the Governor and notify him of the organization of this Assembly, beg leave to report that they have performed their duty in that behalf. They were charged by His Excellency to convey to this body his congratulations upon the completion of its organization under the auspicious circumstances attending it, and to say that he would soon communicate with the Assembly in writing.

STETSON, Chairman.

Report accepted and committee discharged.

RECESS.

On motion of Mr. Stanton, the Speaker declared the Assembly at recess until one o'clock and thirty minutes P. M. this day.

REASSEMBLED.

At one o'clock and fifty-five minutes P. M., with the Hon. R. L. Beardslee, Speaker, in the chair, the Assembly reconvened.

RESOLUTION.

The following resolution was offered:
By Mr. Johnson of Sacramento:

Resolved, That the Sergeant-at-Arms of the Assembly, or the Bookkeeper to the Sergeant-at-Arms, be and they are hereby authorized to receipt to the Controller for all warrants for payment to members, officers, and attachés of the Assembly.

Resolution read and, on motion, adopted.

SENATE MESSAGE.

On motion of Mr. Transue, the following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Concurrent Resolution No. 1—Relative to canvassing the vote for Governor and Lieutenant-Governor.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

APPEARANCE OF THE SENATE.

The Sergeant-at-Arms of the Assembly announced the presence of the Senate in a body at the door of the House for the purpose of meeting in joint convention, as provided for in Assembly Concurrent Resolution No. 1.

Thereupon the Speaker declared the Assembly temporarily at recess.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER,
Tuesday, January 8, 1907.

At two o'clock P. M. the Senate and Assembly met in Joint Convention.

Lieutenant-Governor Alden Anderson, President of the Senate, directed the Secretary of the Senate to call the roll of Senators.

SENATE ROLL CALL.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Welch, Willis, Wolfe, and Wright—37.

The President declared a quorum of the Senate present.

Hon. R. L. Beardslee, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

ASSEMBLY ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—78.

The Speaker declared a quorum of the Assembly present.

REGULAR ORDER OF BUSINESS.

By direction of the President of the Senate, the Secretary of the Senate read sections of the Constitution of the State of California and sections of the Political Code of the State, which provide for the two branches of the Legislature meeting in joint convention for the purpose of canvassing the votes cast for Governor and Lieutenant-Governor, as follows:

Of Article V of the Constitution:

Section 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Section 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office except as specially provided in this Constitution, during the term for which he shall have been elected.

Of the Political Code:

Section 1292. When an election has been held to fill the office of Governor or Lieutenant-Governor, the Clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must, as soon as the statement of the vote of his county is made out and entered upon the records of the Boards of Supervisors, make two certified abstracts of so much thereof as relates to the vote given for such officers.

Section 1293. The Clerk must seal up each abstract separately, and endorse thereon "Election Returns for Governor and Lieutenant-Governor."

Section 1294. He must at once direct one copy to the Speaker of the Assembly next to meet, address it to Sacramento, California, and deposit it, postpaid, in the postoffice.

Section 1295. The other copy he must direct and address, in the same manner, and at once deliver it to a member elect of the Legislature, or to a Senator who holds over; and the person to whom it is so directed must deliver it to the Speaker on or before the second day next after his election.

Section 1296. The returns for election for Governor and Lieutenant-Governor must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly, in presence of both houses.

Section 1297. No declaration of the result, commission or certificate, must be withheld on account of any defect or informality in the return of any election if it can with reasonable certainty be ascertained from such return what office is intended, and who is elected thereto.

ANNOUNCEMENT.

The Speaker of the Assembly announced that the election returns from all the counties in the State had been received and were now at the desk.

APPOINTMENT OF TELLERS.

The Speaker of the Assembly appointed as tellers, on the part of the Assembly, Messrs. McClellan and Baxter.

The President of the Senate appointed as tellers, on the part of the Senate, Senators Leavitt and Curtin.

CANVASS OF RETURNS.

A canvass of the returns was thereupon made, and the tellers reported:

FOR GOVERNOR.

The total number of votes cast for each of the several candidates for the office of Governor of the State of California was announced as follows:

James N. Gillett	125,887
Theodore Bell	117,645
William H. Langdon	45,008
Austin Lewis	16,036
James H. Blanchard	7,355

Whereupon the Speaker of the Assembly declared that James N. Gillett had been elected Governor of the State of California.

FOR LIEUTENANT-GOVERNOR.

The total number of votes cast for each of the several candidates for the office of Lieutenant-Governor of the State of California was announced as follows:

Warren R. Porter	133,990
Thomas O. Toland	108,493
James H. Blagge	35,187
Frank I. Wheat	16,831
C. N. Whitmore	7,395

Whereupon the Speaker of the Assembly declared Warren R. Porter had been duly elected Lieutenant-Governor of the State of California.

RESOLUTION.

Senator Wolfe offered the following resolution, and moved its adoption:

Resolved, That the hour of twelve o'clock M. of Wednesday, January 9, 1907, be appointed the time and the Clunie Theater, Sacramento, California, the place when the Governor and Lieutenant-Governor elect shall take the official oath in the presence of both houses of the Legislature, in Joint Convention assembled, as required in and by Section 905 of the Political Code.

That the joint committee on inauguration, already appointed, be and are hereby directed to inform the Governor and Lieutenant-Governor elect of this action, and that when this Joint Convention adjourns it adjourn to meet at the hour and place aforesaid.

Resolution read and adopted.

READING AND APPROVAL OF MINUTES.

The minutes of the Joint Convention were then read and approved.

ADJOURNMENT.

At two o'clock and fifty-five minutes P. M., the President of the Senate declared the Joint Convention adjourned until twelve o'clock M. of to-morrow, Wednesday, January 9, 1907.

IN ASSEMBLY.

REASSEMBLED.

At three o'clock and five minutes P. M., the Assembly reconvened. Speaker Beardslee in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

ON CONTINGENT EXPENSES AND MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Mileage beg leave to report that they have computed the mileage according to Part II, Title III, and Section 237 of the Political Code, and recommend the adoption of the resolution herewith:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and members of the Assembly, for the amounts set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay same:

Barry, D. W.	San Francisco	180	$18 00
Baxter, E. N.	Wawona	484	48 40
Beardslee, R. L.	Stockton	96	9 60
Bebau, D. J.	San Francisco	180	18 00
Beckett, S. H.	San Francisco	180	18 00
Bell, R. O.	Los Angeles	894	89 40
Berry, T. J. T.	Crescent City	800	80 00
Birdsall, E. S.	Auburn	72	7 20
Bishop, Clyde	Santa Ana	958	95 80
Boyle, P. J.	San Francisco	180	18 00
Burke, J. J	Oakland	168	16 80
Bush, F. W.	Napa	122	12 20
Butler, E. I.	San Rafael	210	21 00
Campbell, P. C.	Richmond	212	21 20
Case, G. S.	Pasadena	912	91 20
Chandler, W. F.	Fowler	358	35 80
Cogswell, P. F.	El Monte	924	92 40
Coghlan, N. C.	San Francisco	180	18 00
Collister, S. W.	Occidental	212	21 20
Cornish, N. A.	Alturas	666	66 60
Costar, W. J.	Chico	192	19 20
Cullen, J. A.	San Francisco	180	18 00
Cutten, C. P.	Eureka	624	62 40
Davis, J. O.	Hollister	340	34 00
Devlin, F. R.	Vallejo	80	8 00
Drew, A. M.	Fresno	338	33 80
Eshleman, J. M.	Berkeley	168	16 80
Estudillo, M.	Riverside	1,024	102 40
Finney, J. W.	Downieville	238	23 80
Fisher, C. M.	San Francisco	180	18 00
Forbes, P. W.	Independence	922	92 20
Fratessa, P. F.	San Francisco	180	18 00
Hammon, P. V.	Los Angeles	894	89 40
Hans, G. J.	Fruitvale	180	18 00
Hartmann, F. Hugo	San Francisco	180	18 00
Held, W. D. L.	Ukiah	406	40 60
Hewitt, A. H.	Yuba City	106	10 60
Higgins, J. T.	Morgan Hill	320	32 00
John, W. M.	San Luis Obispo	686	68 60
Johnson, G. L.	Sacramento	2	20
Johnson, P. A.	San Diego	1,146	114 60
Jury, R. H.	San Mateo	254	25 40
Kelly, P. J.	San Francisco	180	18 00
Kohlman, S. T.	San Francisco	180	18 00
Leeds, W. R.	Los Angeles	894	89 40
Lemon, W. F.	San Bernardino	1,040	104 00
Lucas, H. C.	Santa Cruz	396	39 60
Ludington, W. F.	San Diego	1,146	114 60
Lynch, E. J.	Walsh Station	32	3 20
McClellan, J. W.	Bridgeville	734	73 40
McConnell, J. I.	Woodland	46	4 60
McGuire, Wm. L.	Hanford	428	42 80

McKeon, John	San Francisco		180	$18 00
McMullin, H. W.	Bakersfield		556	55 60
O'Brien, F. J.	Sacramento		16	1 60
Otis, Frank	Alameda		182	18 20
Percival, A. E.	Lodi		66	6 60
Pierce, F. E.	Los Angeles		894	89 40
Pyle, E. M.	Santa Barbara		920	92 00
Root, G. W.	Grass Valley		148	14 80
Sackett, G. L.	Ventura		990	99 00
Smith, G. W.	Santa Clara		284	28 40
Smyth, F. H.	Lake		208	20 80
Snyder, G. F.	San Andreas		186	18 60
Spaulding, C. C.	Sunnyvale		264	26 40
Stanton, P. A.	Los Angeles		894	89 40
Stetson, J. W.	Oakland		168	16 80
Strohl, Louis	San Francisco		180	18 00
Strobridge, E. K.	Haywards		196	19 60
Thompson, Henry	San Francisco		180	18 00
Thompson, N. W.	Los Angeles		906	90 60
Toomey, D. J.	San Francisco		180	18 00
Transue, J. P.	Los Angeles		894	89 40
Vogel, Mel	San Francisco		180	18 00
Walsh, P. M.	Oakland		168	16 80
Weske, H. W. A.	Santa Rosa		180	18 00
Wessling, John	San Francisco		180	18 00
Whitmore, R. K.	Modesto		170	17 00
Wilson, J. A.	San Francisco		190	19 00
Wyatt, J. J.	Salinas City		416	41 60

CONTINGENT EXPENSES.

Clio Lloyd	Santa Barbara		920	92 00
J. Steppacher	San Francisco		180	18 00
J. T. Stafford	Sacramento		2	20

PIERCE,
O'BRIEN,
BECKETT,
Committee.

Report read and, on motion of Mr. Pierce, made a special order for consideration on Wednesday, January 9, 1907, immediately after the reading of the Journal.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Transue:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Assembly for the sum of fifteen ($15.00) dollars, payable out of the Contingent Fund of the Assembly, to be used as a revolving fund for the purchase of stamps and wrappers for sale at the Assembly postoffice.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—68.

NOES—None.

By Mr. Root:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for each member of the Assembly, the Chief Clerk, and Minute Clerk, and accredited newspaper representatives, three Keystone binders, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

Resolution read and, on motion of Mr. Stanton, referred to Committee on Contingent Expenses, when appointed.

By Mr. McConnell:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to rent fifteen typewriting machines for the use of the stenographers of the Assembly, and the Controller of State is hereby authorized to draw his warrant for the amount of the rental, and the Treasurer is directed to pay the same out of the fund for the contingent expenses of the Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—66.

NOES—Mr. Cutten—1.

By Mr. Cornish:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to hire a box at the Sacramento postoffice for the use of the Assembly, the rent for which shall be payable out of the appropriation for the contingent expenses of the Assembly.

Resolution read and, on motion, adopted.

By Mr. Coghlan:

Resolved, That the Sergeant-at-Arms of the Assembly be and he hereby is authorized and directed to purchase, for the use of the members of the Assembly and the Chief Clerk, eighty-five copies each of the Bender-Chaquette edition of the Civil Code, Political Code, and General Laws, and Deering's Code of Civil Procedure and Penal Code, and Treadwell's edition of the Constitution of the State of California.

Resolution read and, on motion of Mr. Devlin, referred to Committee on Contingent Expenses, when appointed.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until Wednesday, January 9, 1907, at ten o'clock A. M.

IN ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, January 9, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacra-

mento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—80.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Jury, its further reading was dispensed with.

SPECIAL ORDER.

The Speaker announced that the special order, heretofore set for this hour, was the consideration of the report of the Committee on Contingent Expenses and Mileage.

Thereupon the Chief Clerk read as follows:

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Mileage beg leave to report that they have computed the mileage according to Part II, Title III, and Section 237 of the Political Code, and recommend the adoption of the resolution herewith:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and members of the Assembly, for the amounts set opposite each of their names, and the State Treasurer is hereby ordered and directed to pay same:

Barry, D. W.	San Francisco	180	$18 00
Baxter, E. N.	Wawona	484	48 40
Beardslee, R. L.	Stockton	96	9 60
Beban, D. J.	San Francisco	180	18 00
Beckett, S. H.	San Francisco	180	18 00
Bell, R. O.	Los Angeles	894	89 40
Berry, T. J. T.	Crescent City	800	80 00
Birdsall, E. S.	Auburn	72	7 20
Bishop, Clyde	Santa Ana	958	95 80
Boyle, P. J.	San Francisco	180	18 00
Burke, J. J.	Oakland	168	16 80
Bush, F. W.	Napa	122	12 20
Butler, E. J.	San Rafael	210	21 00
Campbell, P. C.	Richmond	212	21 20
Case, G. S.	Pasadena	912	91 20
Chandler, W. F.	Fowler	358	35 80
Cogswell, P. F.	El Monte	924	92 40
Coghlan, N. C.	San Francisco	180	18 00
Collister, S. W.	Occidental	212	21 20
Cornish, N. A.	Alturas	666	66 60
Costar, W. J.	Chico	192	19 20
Cullen, J. A.	San Francisco	180	18 00
Cutten, C. P.	Eureka	624	62 40
Davis, J. O.	Hollister	340	34 00
Devlin, F. R.	Vallejo	80	8 00
Drew, A. M.	Fresno	338	33 80
Eshleman, J. M.	Berkeley	168	16 80
Estudillo, M.	Riverside	1,024	102 40
Finney, J. W.	Downieville	238	23 80
Fisher, C. M.	San Francisco	180	18 00
Forbes, P. W.	Independence	922	92 20
Fratessa, P. F.	San Francisco	180	18 00
Hammon, P. V.	Los Angeles	894	89 40
Hans, G. J.	Fruitvale	180	18 00
Hartmann, F. Hugo	San Francisco	180	18 00
Held, W. D. L.	Ukiah	406	40 60
Hewitt, A. H.	Yuba City	106	10 60
Higgins, J. T.	Morgan Hill	320	32 00
John, W. M.	San Luis Obispo	686	68 60

Johnson, G. L.	Sacramento	2	$0 20
Johnson, P. A.	San Diego	1,146	114 60
Jury, R. H.	San Mateo	254	25 40
Kelly, P. J.	San Francisco	180	18 00
Kohlman, S. T.	San Francisco	180	18 00
Leeds, W. R.	Los Angeles	894	89 40
Lemon, W. F.	San Bernardino	1,040	104 00
Lucas, H. C.	Santa Cruz	396	39 60
Ludington, W. F.	San Diego	1,146	114 60
Lynch, E. J.	Walsh Station	32	3 20
McClellan, J. W.	Bridgeville	734	73 40
McConnell, J. I.	Woodland	46	4 60
McGuire, Wm. L.	Hanford	428	42 80
McKeon, John	San Francisco	180	18 00
McMullin, H. W.	Bakersfield	556	55 60
O'Brien, F. J.	Sacramento	16	1 60
Otis, Frank	Alameda	182	18 20
Percival, A. E.	Lodi	66	6 60
Pierce, F. E.	Los Angeles	894	89 40
Pyle, E. M.	Santa Barbara	920	92 00
Root, G. W.	Grass Valley	148	14 80
Sackett, G. L.	Ventura	990	99 00
Smith, G. W.	Santa Clara	284	28 40
Smyth, F. H.	Lake	208	20 80
Snyder, G. F.	San Andreas	186	18 60
Spaulding, C. C.	Sunnyvale	264	26 40
Stanton, P. A.	Los Angeles	894	89 40
Stetson, J. W.	Oakland	168	16 80
Strohl, Louis	San Francisco	180	18 00
Strobridge, E. K.	Haywards	196	19 60
Thompson, Henry	San Francisco	180	18 00
Thompson, N. W.	Los Angeles	906	90 60
Toomey, D. J.	San Francisco	180	18 00
Transue, J. P.	Los Angeles	894	89 40
Vogel, Mel	San Francisco	180	18 00
Walsh, P. M.	Oakland	168	16 80
Weske, H. W. A.	Santa Rosa	180	18 00
Wessling, John	San Francisco	180	18 00
Whitmore, R. K.	Modesto	170	17 00
Wilson, J. A.	San Francisco	190	19 00
Wyatt, J. J.	Salinas City	416	41 60

CONTINGENT EXPENSES.

Clio Lloyd	Santa Barbara	920	92 00
J. Steppacher	San Francisco	180	18 00
J. T. Stafford	Sacramento	2	20

PIERCE,
O'BRIEN,
BECKETT,
Committee.

Mr. Johnson of Sacramento moved that the report be amended by striking out the words and figures "Johnson, G. L., Sacramento; 2, .20."

Amendment adopted.

Mr. O'Brien of Sacramento moved that the report be further amended by striking out the words and figures "O'Brien, F. J., Sacramento; 16, 1.60."

Amendment adopted.

On motion of Mr. Pierce, the report and resolution, as amended, was adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—71.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON RULES.

ASSEMBLY CHAMBER, SACRAMENTO, January 9, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations recommends the adoption of the following as the Standing Rules of the Assembly:

STANDING RULES OF THE ASSEMBLY.

1. *Hour of Meeting.*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until February 6, 1907, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House.

2. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.

3. *Reports of Committee on Engrossed and Enrolled Bills.*

It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

4. *Messages from the Governor and Senate.*

Messages from the Governor and from the Senate may be considered at any time by a vote of the House.

5. *Petitions to be Presented, with a Brief Statement of Contents.*

Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.

6. *Introduction and Reading of Bills.*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading whether it be the first, second or third, and no bill shall be read at either reading until the House has so determined by a vote. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

7. *Introduction of Bills by Committee.*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file. When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action.

8. *Disposition of Senate Bills.*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing com-

mittee; *provided, however*, that when a Senate bill is received, the provisions of which are identical with those of an Assembly bill which has already been considered and reported by a committee of the House, such Senate bill shall be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

9. *Joint Resolutions and Constitutional Amendments.*

Joint resolutions shall be treated the same as bills; *provided*, that they shall be read but once, and that after they have been reported by a committee; *and provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills; *provided*, they shall be read but once, and only after they shall have been reported by a committee.

10. *Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole.*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

11. *Reference of Bills.*

No debate shall be allowed on any motion to refer a bill or resolution to a committee. The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee.

12. *Referring With Special Instructions.*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

13. *Order of Making File.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6. When reported back they shall be placed upon the general file, to be kept by the Clerk, as follows: All bills when reported to the House by the committees shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading; and precedence shall be given in the consideration of bills in the following order: third-reading file and second-reading file, unless otherwise ordered by a two-thirds vote of the House. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the general file, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

14. *Order Making Special File.*

The Clerk shall, from time to time, make up a file, to be known as the special file, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, election laws, and constitutional amendments, in the order named and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the general file be substituted for any bill thereon.

15. *Taking Up Bills Out of Order.*

When a member shall ask leave to have a bill taken up out of its regular order, he shall, in making the motion, give the number and title of the bill, and its position on the file.

16. *Engrossing and Enrolling Bills.*

The Engrossing and Enrolling Clerk shall engross, and enroll, the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said Clerk shall be responsible for every violation of this rule by his assistants or deputies; no clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House.

17. *Bills to be Reported Back Within Ten Days.*

All bills referred to any committee shall be by such committee reported back to the House, with its action thereon, within ten days after such reference, unless the House, by request of such committee, shall otherwise order.

DUTIES OF SPEAKER.

18. *To Call House to Order.*

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to

order. In the absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant shall call the House to order, whereupon a chairman shall be elected from among the members to preside.

19. *To Preserve Order; to Decide Points of Order; and May Speak to Same.*

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

20. *To Have Direction of the Hall; May Call Any Member to the Chair.*

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

21. *To Sign Resolutions, etc., Attested by the Clerk.*

All Acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpœnas issued by order of the House shall be under his hand, attested by the Clerk.

22. *May Order the Galleries and Lobby Cleared.*

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

DUTIES OF THE SERGEANT-AT-ARMS.

23. *To Attend Sittings of House; Serve Processes.*

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the Speaker of the House, and all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the committee attachés, and the Page to the Speaker, which Page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of their duties, and shall have power to suspend any attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for willful neglect of duty.

24. *Fees of Sergeant-at-Arms.*

The Sergeant-at-Arms shall receive for every arrest the sum of one dollar; for each day's custody and releasement, one dollar; and for traveling expenses for himself, or a special messenger, going and coming, ten cents per mile; but no compensation shall be allowed for the arrest, custody, or releasement of members under a call of the House, within the limits of the Capitol grounds. All fees accruing to the Sergeant-at-Arms for arrest, custody, and release of members, shall be paid by the members so arrested, held in custody, and released, unless excused by a vote of the House. And when a member shall be excused by the House, the Sergeant-at-Arms shall not be allowed any fees for the arrest.

25. *Assistant Sergeant-at-Arms to be Doorkeeper.*

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

26. *Standing Committees.*

The Standing Committees of the House shall be as follows:

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of seven members.
3. A Committee on Banks and Banking, to consist of five members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members.
8. A Committee on Contingent Expenses and Accounts, to consist of seven members.
9. A Committee on Constitutional Amendments, to consist of seven members.
10. A Committee on Contested Elections, to consist of seven members.
11. A Committee on Corporations, to consist of nine members.
12. A Committee on Counties and County Boundaries, to consist of nine members.
13. A Committee on County and Township Governments, to consist of thirteen members.
14. A Committee on Dairies and Dairy Products, to consist of nine members.

15. A Committee on Election Laws, to consist of seven members.
16. A Committee on Education, to consist of nine members.
17. A Committee on Engrossment and Enrollment, to consist of seven members.
18. A Committee on Fruit and Vine Interests, to consist of seven members.
19. A Committee on Fish and Game, to consist of eleven members.
20. A Committee on Federal Relations, to consist of seven members.
21. A Committee on Governor's Message, to consist of five members.
22. A Committee on Immigration, to consist of nine members.
23. A Committee on Insurance and Insurance Laws, to consist of nine members.
24. A Committee on Irrigation, to consist of nine members.
25. A Committee on Judiciary, to consist of twenty-one members.
26. A Committee on Labor and Capital, to consist of nine members.
27. A Committee on Levees and River Improvements, to consist of seven members.
28. A Committee on Manufactures and Internal Improvements, to consist of seven members.
29. A Committee on Mileage, to consist of five members.
30. A Committee on Military Affairs, to consist of seven members.
31. A Committee on Mines and Mining Interests, to consist of nine members.
32. A Committee on Municipal Corporations, to consist of seven members.
33. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members.
34. A Committee on Public Buildings and Grounds, to consist of eleven members.
35. A Committee on Public Health and Quarantine, to consist of seven members.
36. A Committee on Public Lands and Forestry, to consist of seven members.
37. A Committee on Public Morals, to consist of nine members.
38. A Committee on Public Printing, to consist of seven members.
39. A Committee on Public Works, State Capitol, and Parks, to consist of seven members.
40. A Committee on Public Charities and Corrections, to consist of seven members.
41. A Committee on Reform of the Civil Service, to consist of five members.
42. A Committee on Retrenchment and Reform, to consist of seven members.
43. A Committee on Revenue and Taxation, to consist of nine members.
44. A Committee on Revision and Reform of Laws, to consist of nine members.
45. A Committee on Roads and Highways, to consist of eleven members.
46. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
47. A Committee on State Hospitals and Asylums, to consist of eleven members.
48. A Committee on State Library, to consist of five members.
49. A Committee on State Prisons and Reformatory Institutions, to consist of nine members.
50. A Committee on Swamp and Overflowed Lands and Drainage, to consist of nine members.
51. A Committee on Universities, to consist of seven members.
52. A Committee on Ventilation and Acoustics, to consist of five members.
53. A Committee on Ways and Means, to consist of fifteen members.

The San Francisco Delegation, to whom may be referred matter of interest in particular to the City and County of San Francisco; but not to the exclusion of the jurisdiction of other committees.

27. *Committees to be Appointed by Speaker.*

All committees shall be appointed by the Speaker, unless otherwise ordered by the House.

28. *Committee on Contested Elections.*

It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.

29. *Committee on Ways and Means.*

It shall the duty of the Committee on Ways and Means to take into consideration all reports of the State Officers and State Boards or State Commissions and all propositions relative to the revenue of the State as may be referred to them by the Assembly; to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider them and report thereon the amount of appropriation required, but such bill shall retain its place on the file pending its consideration by said Committee on Ways and Means.

The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

30. *Committee on Commissions and Public Expenditures.*

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what State commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of State affairs; to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued; to prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

31. *Committee on Engrossment.*

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof; and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

32. *Committee on Revision and Reform of the Law.*

It shall be the duty of the Committee on Revision and Reform of the Law to take into consideration all petitions, bills, and resolutions touching the revision and reform of the existing laws of the State of California as shall or may be presented or come into question and be referred to it by the Assembly.

33. *Committee Expenditures.*

No committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof.

34. *Committee of the Whole House.*

In forming a Committee of the Whole House, a chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the Chairman. After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken .

35. *Rules in Committee of the Whole.*

The rules of the Assembly shall be observed in Committee of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes shall not be taken.

36. *Motion to Rise Decided Without Debate.*

A motion that the committee rise shall always be in order and shall be decided without debate.

37. *Reference of Bills.*

When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House.
A Standing Committee.
A Select Committee.

38. *Calling Members to Order When Transgressing Rules.*

If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

39. *Speaker to Decide Who is Entitled to the Floor.*

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

40. *Order in Speaking to Questions.*

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than thirty (30) minutes upon any question, except by leave of the House.

41. *Called to Order for Offensive Words in Debate.*

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

42. *Personal Explanation.*

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

43. *Motions to be Stated by Speaker Shall be Reduced to Writing, or May be Withdrawn.*

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the House, at any time before amendment or decision.

44. *Motion to Adjourn.*

A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House, which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes.

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and the tax levy.

45. *Precedence of Motions during Debate.*

When a question is under debate, or before the House, no motion shall be received but: To adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

46. *Previous Question.*

The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it.

47. *Questions of Order After Previous Question is Ordered.*

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

48. *Previous Question Demanded.*

The previous question shall only be put when demanded by three members.

49. *Question Indefinitely Postponed.*

When a question is postponed indefinitely, the same shall not again be introduced during the session.

50. *Division of Questions.*

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

51. *Substitute.*

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

52. *Subjects Different from the One Under Consideration.*

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

53. *Printing of Bills.*

Five hundred copies of all bills shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

54. *Printing Extra Number of Bills, Etc.*

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House.

55. *Printing of Maps.*

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

56. *Filling Blanks.*

In filling up blanks the least sum and shortest time shall be first put.

57. *Priority of Business.*

All questions relating to the priority of business shall be decided without debate.

58. *Reading of Papers.*

When the reading of a paper is called for, except petitions, and the same is objected to by a member, it shall be determined by a vote of the House, without debate.

59. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such a reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

60. *Elections by House.*

In all cases of election by the House the vote shall be taken *viva voce*.

61. *Calling Ayes and Noes.*

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

62. *Members at Clerk's Desk.*

No member or other person shall remain by the Clerk's table while the ayes and noes are being called or while the votes are being counted.

63. *Voting on Question When Interested.*

No person shall vote on any question in the result of which he is personally interested or involved.

64. *Division and Count of House.*

Upon a division and count of the House on any question, no person without the bar shall be counted.

65. *Explaining or Changing Vote.*

No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called, and no member shall be allowed to change his vote after the vote is announced from the chair.

66. *Call of the House.*

Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or

insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms, wherever to be found, or by special messenger, to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the House, and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

67. *Suspending and Changing Rules.*

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor; *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government, its revenue, its various departments or commissions, or appropriations therefor.
2. Bills affecting county and township governments, or roads and highways.
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional Amendments.
6. Bills amending or repealing the Codes or sections thereof.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendment by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present, except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House. When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

68. *Members Absenting Themselves.*

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness; and if any member or officer of the House absent himself without leave, his per diem shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two thirds of the House.

69. *Persons Admitted to Floor.*

No persons, except Senators, State officers, Governors, and ex-Governors of States, Members of Congress, Judges of the Supreme or Superior Courts, members of the press when accredited by their respective journals, ladies or gentlemen when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House within the bar cleared of any or all such persons. The Speaker is charged with the enforcement of this rule.

70. *Smoking in Hall.*

No smoking shall be allowed within the Assembly Chamber during the session of the House.

71. *Parliamentary Rules.*

The rules of parliamentary practice contained in Roberts' Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

72. *Use of Hall.*

The Assembly Room shall not be used for any public or private business other than legislative, except by consent of a majority of the House.

73. *Fees for Witnesses.*

Witnesses summoned to appear before the House, or any of its committees, shall be paid as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

74. *Protest of Members.*

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

75. *Fees Allowed in Cases of Contest.*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

76. *Assignment of Attachés.*

The Committee on Attachés and Employés shall assign the committee clerks and the official stenographers of the House to the various committees; *provided*, that the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the chairman of those committees, respectively.

All assignments of committee clerks and stenographers made by the Committee on Attachés and Employés under this rule shall be reported to the House and entered in the Journal.

77. *Introduction of Bills after Fiftieth Day.*

On or prior to the fiftieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the fiftieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

78. *Form for Introduction of Bills.*

When a bill is introduced and when printed amending an existing law, the new matter shall be underscored, and portions of the law proposed to be omitted shall be included in brackets; *provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored and that when any bill introduced repeals an existing law in whole, the matter repealed need not be put in the bill.

All bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted; the new matter underscored and the parts of the law proposed to be omitted included in brackets.

79. *Leave of Absence of Committee Visiting Public Institutions.*

When leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by a two-thirds vote taken *viva voce*, and no expenses or mileage of attachés shall be allowed. No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee, without permission for such substitution being obtained from the Speaker. Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave. Such resolution shall immediately, and without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the next legislative day on the same, and whether the leave of absence can be granted without interfering with the business of the Assembly.

GROVE L. JOHNSON, Chairman.
MIGUEL ESTUDILLO,
CHARLES P. CUTTEN.
P. W. FORBES.
R. L. BEARDSLEE, Speaker.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, the foregoing report was made a special order for consideration on to-morrow, immediately after reading of the Journal.

REPORT OF STANDING COMMITTEES—(CONTINUED).

The following resolution was submitted by the Committee on Attachés, and its adoption moved by Mr. John, chairman:

Resolved, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names; said per diem to be paid out of the appropriation for the contingent expenses of the Assembly; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diem; and the State Treasurer is hereby authorized and directed to pay the same:

J. D. Bailey	Committee Clerk	$4 00
Alfred Pozzo	Committee Clerk	4 00
Emmett Dore	Committee Clerk	4 00
Bernice E. Snyder	Committee Clerk	4 00
Henry McCann	Committee Clerk	4 00
C. N. Whittaker	Committee Clerk	4 00
Maynard Michel	Committee Clerk	4 00
Robert Patrick	Committee Clerk	4 00
Grant Johnston	Committee Clerk	4 00
H. F. Ellis	Committee Clerk	4 00
Miss M. Hines	Committee Clerk	4 00
C. Lefevre	Committee Clerk	4 00
M. A. Johnson	Committee Clerk	4 00
M. B. Cutten	Committee Clerk	4 00
John P. Spaulding	Committee Clerk	4 00
J. R. Cottom	Committee Clerk	4 00
C. T. Peterson	Committee Clerk	4 00
William Graham	Committee Clerk	4 00
M. Robbins	Committee Clerk	4 00
Thomas Hazelton	Committee Clerk	4 00
John Stewart	Committee Clerk	4 00
William Winterbottom	Committee Clerk	4 00
Charles Brown	Committee Clerk	4 00
Charles Dunbrell	Committee Clerk	4 00
A. Walsh	Committee Clerk	4 00
A. Hassett	Committee Clerk	4 00
M. J. Hallahan	Committee Clerk	4 00
M. C. Estudillo	Committee Clerk	4 00
C. S. Johns	Committee Clerk	4 00
May Campbell	Committee Clerk	4 00
E. Wohl	Committee Clerk	4 00
George T. Hanscomb	Committee Clerk	4 00
Gertrude Whitmore	Committee Clerk	4 00
M. Gwynn	Committee Clerk	4 00
M. Lynch	Assistant Committee Clerk	4 00
Miss V. E. Bush	Assistant Committee Clerk	4 00
Walter Larsen	Assistant Committee Clerk	4 00
James McCaffrey	Assistant Committee Clerk	4 00
C. A. Gowell	Assistant Committee Clerk	4 00
Miss A. Long	Assistant Committee Clerk	4 00
A. Perry	Assistant Committee Clerk	4 00
Jack Williams	Assistant Committee Clerk	4 00
J. Wilson	Assistant Committee Clerk	4 00
C. E. Percival	Assistant Committee Clerk	4 00
M. Strohl	Assistant Committee Clerk	4 00
A. H. Lunsden	Assistant Committee Clerk	4 00
William Cole	Assistant Committee Clerk	4 00
Emmett Hodges	Assistant Committee Clerk	4 00
Frank E. Redell	Assistant Committee Clerk	4 00
Chas. Packsher	Assistant Committee Clerk	4 00
C. R. Johnson	Assistant Committee Clerk	4 00
F. P. Weinmann	Assistant Committee Clerk	4 00
B. Hanna	Assistant Committee Clerk	4 00
Edna Connors	Assistant Committee Clerk	4 00
M. L. Finney	Assistant Committee Clerk	4 00
W. P. Magee	Assistant Committee Clerk	4 00
P. E. McCarthy	Assistant Committee Clerk	4 00
J. O. Ackerman	Assistant Committee Clerk	4 00
C. J. Milne	Assistant Committee Clerk	4 00
M. A. McKeon	Assistant Committee Clerk	4 00
Mrs. H. Smith	Assistant Committee Clerk	4 00
Mildred Wilson	Assistant Committee Clerk	4 00
Felix Paduveri	Assistant Committee Clerk	4 00
Miss M. Donnelly	Assistant Committee Clerk	4 00

Alice M. Smith	Assistant Engrossing and Enrolling Clerk	$5 00
Walter S. Johnson	Assistant Engrossing and Enrolling Clerk	5 00
M. McGuire	Assistant Engrossing and Enrolling Clerk	5 00
R. J. Kenefick	Assistant Engrossing and Enrolling Clerk	5 00
F. Branch	Assistant Engrossing and Enrolling Clerk	5 00
S. O. Richardson	Assistant Engrossing and Enrolling Clerk	5 00
William Nye	Assistant Engrossing and Enrolling Clerk	5 00
Edward Whitmore	Assistant Engrossing and Enrolling Clerk	5 00
Michel Scanlin	Assistant Engrossing and Enrolling Clerk	5 00
Geo. H. Throop	Assistant Engrossing and Enrolling Clerk	5 00
Lillian Weedman	Stenographer	5 00
Geo. H. Longenecker	Stenographer	5 00
Nora B. Andrews	Stenographer	5 00
Mrs. E. E. Curtis	Stenographer	5 00
Frank L. Gafney	Stenographer	5 00
Earle Freeman	Stenographer	5 00
Clara Hubbs	Stenographer	5 00
M. L. Shaffer	Stenographer	5 00
John Seman	Messenger	3 00
Jas. H. Anderson	Bookkeeper Ways and Means Committee	6 00
A. Manning	Sergeant-at-Arms to Committee	4 00
W. A. Murphy	Sergeant-at-Arms to Committee	4 00
Phil Simmons	Sergeant-at-Arms to Committee	4 00
Wm. Ford	Sergeant at-Arms to Committee	4 00
Guy Campbell	Sergeant-at-Arms to Committee	4 00
John J. McCarthy	Sergeant-at-Arms to Committee	4 00
C. P. Buckner	Sergeant-at-Arms to Committee	4 00
Geo. Cook	Sergeant-at-Arms to Committee	4 00
John Arnerich	Sergeant-at-Arms to Committee	4 00
Chas. F. Schwoerer	Sergeant-at-Arms to Committee	4 00
John Crotty	Sergeant-at-Arms to Committee	4 00
William Melcher	Sergeant-at-Arms to Committee	4 00
T. B. Rice	Sergeant-at-Arms to Committee	4 00
Joseph Silva	Sergeant-at-Arms to Committee	4 00
William Cashman	Sergeant-at-Arms to Committee	4 00
Gus Brachman	Sergeant-at-Arms to Committee	4 00
Louis Holtz	Sergeant-at-Arms to Committee	4 00
John G. Vogt	Sergeant-at-Arms to Committee	4 00
John Rice	Sergeant-at-Arms to Committee	4 00
Jos. Finn	Sergeant-at-Arms to Committee	4 00
M. M. Miller	Sergeant-at-Arms to Committee	4 00
Philip Ambrose	Sergeant-at-Arms to Committee	4 00
John Kofod	Sergeant-at-Arms to Committee	4 00
W. J. Mindham	Sergeant-at-Arms to Committee	4 00
Joseph S. Farley	Assistant Sergeant-at-Arms	5 00
James Hannon	Assistant Sergeant-at-Arms	5 00
Robert Reid	Assistant Sergeant-at-Arms	5 00
A. C. Serydan	Assistant Sergeant-at-Arms	5 00
H. McClellan	Assistant Sergeant-at-Arms	5 00
William McCarthy	Copy Clerk	4 00
Ed Fitzgerald	Copy Clerk	4 00
Miss L. Polifka	Telephone Attendant	3 00
B. Mayman	Telephone Attendant	3 00
M. Barry	Telephone Attendant	3 00
Edward Little	Bill Filer	4 00
Rush Brunner	Bill Filer	4 00
B. A. Tarver	Bill Filer	4 00
William McCarthy	Bill Filer	4 00
A. T. Healion	Bill Filer	4 00
Robert Greer	Bill Filer	4 00
Maud Barton	Attendant Cloak Room	3 00
William Sweet	Watchman	3 00
B. Hennessey	Watchman	3 00
O. T. Pierce	Watchman	3 00
William Inglis	Watchman	3 00
M. C. Harlan	Watchman	3 00
A. L. Bragg	Watchman	3 00
C. Crump	Watchman	3 00
Henry Herrill	Watchman	3 00
Ed B. Heath	Watchman	3 00
Y. F. Gunn	Porter	3 00
Geo. P. Vance	Porter	3 00
Dennis Quinlan	Porter	3 00
Tom Smith	Porter	3 00
G. Rosemond	Porter	3 00
W. F. Jones	Porter	3 00

G. Morris	Porter	$3 00
Thos. Keenan	Assistant Minute Clerk	5 00
Bernard Lagrave	Assistant Minute Clerk	5 00
Ed Haigh	Assistant Minute Clerk	5 00
E. W. Jones	Assistant Minute Clerk	5 00
Arthur Machen	Assistant Minute Clerk	5 00
James M. Koford	Assistant Minute Clerk	5 00
Robert McKnight	Assistant Minute Clerk	5 00
Mahlon Waldren	Page	2 50
Arthur Thompson	Page	2 50
Lester Summerfield	Page	2 50
Leslie Williams	Page	2 50
Frank Shields	Page	2 50
Elmore Sullivan	Page	2 50
W. Webling	Clerk to the Minority	5 00
S. A. Magee	Doorkeeper	3 00
Frank Rogers	Doorkeeper	3 00
Wm. C. Foot	Doorkeeper	3 00
C. A. Fisk	Doorkeeper	3 00
H. A. Harper	Assistant Minute Clerk	6 00
Geo. W. Edwards	Assistant File Clerk	5 00
Geo. T. Berry	Assistant History Clerk	5 00
R. G. Stitt	Assistant Journal Clerk	5 00
Ada Ford	Assistant Postmistress	4 00
Miss A. G. Russell	Assistant Postmistress	4 00
J. H. Montell	Assistant Journal Clerk	5 00
G. Shoemaker	Clerk to Sergeant-at-Arms	5 00
J. E. Douglas	Assistant Journal Clerk	5 00
S. N. Marsh	Committee Clerk	4 00
G. W. Smith, Jr.	Committee Clerk	4 00

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—70.

NOES—None.

ADJOURNMENT.

At eleven o'clock and forty-five minutes A. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M., of Thursday, January 10, 1907.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 9, 1907.

Pursuant to adjournment on yesterday, the Senate and Assembly of the State of California met in Joint Assembly on this day, Wednesday, January 9, 1907, at twelve o'clock M., for the purposes set forth in the following resolution, adopted in Joint Convention on yesterday:

Resolved, That the hour of twelve o'clock M. of Wednesday, January 9, 1907, be appointed the time and the Clunie Theater, Sacramento, California, the place when the Governor and Lieutenant-Governor elect shall take the official oath in the presence of both houses of the Legislature, in Joint Convention assembled, as required in and by Section 905 of the Political Code.

That the joint committee on inauguration, already appointed, be and are hereby directed to inform the Governor and Lieutenant-Governor elect of this action, and that when this Joint Convention adjourns it adjourn to meet at the hour and place aforesaid.

Hon. Frank W. Leavitt, of the Sixteenth Senatorial District, acting President of the Senate, and Hon. R. L. Beardslee, Speaker of the Assembly, presiding.

The acting President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, Mattos, McCartney, McKee, Miller, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—38.

The President declared a quorum of the Senate present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—78.

The Speaker declared a quorum of the Assembly present.

ORDER OF BUSINESS.

The following was the order of business followed:

1. Call to order of the Assembly by the Speaker, Hon. R. L. Beardslee.
2. Announcement of the arrival of the Senate at the Bar of the House.
3. Call to order of the Joint Convention of the Legislature of the State of California by Hon. Frank W. Leavitt, acting President pro tem. of the Senate.
4. Roll call of the Senate by Secretary L. A. Hilborn.
5. Roll call of the Assembly by Chief Clerk Clio Lloyd.
6. National airs, orchestra.
7. Hon. E. I. Wolfe, Chairman of the Joint Legislative Committee on Inaugural Ceremonies, announces the presence of the Committee with retiring Governor, HON. GEORGE C. PARDEE, the incoming Governor, HON. JAMES N. GILLETT, the retiring Lieutenant-Governor, HON. ALDEN ANDERSON, the incoming Lieutenant-Governor, HON. WARREN R. PORTER, State Officers, and the Governor's Staff.
8. Invocation, Rev. C. H. Darling, Chaplain of the Senate.
9. "America," double quartet.
10. Introduction of Governor George C. Pardee by the Speaker of the Assembly.
11. Address, Governor George C. Pardee.
12. Administration of oath of office to Hon. James N. Gillett, incoming Governor, by Hon. N. P. Chipman, Presiding Justice of the Third District Court of Appeal.
13. "Hail to the Chief," orchestra.
14. Introduction of Governor James N. Gillett by Hon. E. I. Wolfe, President pro tem. of the Senate.
15. Inaugural address.
16. Keller's "American Hymn," double quartet.
17. Administration of oath of office to incoming Lieutenant-Governor.
18. Introduction of Lieutenant-Governor Warren R. Porter by Hon. Alden Anderson, retiring Lieutenant-Governor.
19. Remarks by the Lieutenant-Governor.
20. Reading of minutes of the Joint Convention by the Secretary of the Senate.
21. Approval of the minutes.
22. "Star-Spangled Banner," double quartet.
23. Benediction, Rev. P. H. Willis, Chaplain of the Assembly.
24. Adjournment of Joint Convention.
25. Selection, orchestra.
26. Escort of Governor James N. Gillett by Adjutant General J. B. Lauck, accompanied by the Governor's Staff and the Joint Legislative Committee, to the office of the Chief Executive at the State Capitol.
27. Governor's salute at the Capitol grounds.

REPORT OF JOINT COMMITTEE.

Senator Wolfe, chairman of the Joint Committee of the Senate and Assembly on Inaugural Ceremonies, appeared at the bar of the House and announced to the Speaker of the Assembly the presence of His Excellency Governor George C. Pardee, Hon. James N. Gillett, Governor-elect, and Lieutenant-Governor Alden Anderson, and Hon. Warren R. Porter, Lieutenant-Governor elect.

PRAYER.

Prayer by the Chaplain of the Senate, Rev. C. H. Darling.

ADDRESS BY GOVERNOR GEORGE C. PARDEE.

Upon invitation by the Speaker of the Assembly, Governor George C. Pardee addressed the Joint Assembly.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. N. P. Chipman, presiding Justice of the Third District Court of Appeal of the State of California, administered the oath of office to Governor-elect James N. Gillett, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor according to the best of my ability.

ADDRESS BY GOVERNOR-ELECT JAMES N. GILLETT.

Governor-elect James N. Gillett was presented to the Joint Assembly by Hon. E. I. Wolfe, President pro tem. of the Senate, and he proceeded to address the Joint Assembly.

PRESENTATION BY RETIRING LIEUTENANT-GOVERNOR.

Retiring Lieutenant-Governor Hon. Alden Anderson introduced to the Joint Assembly the Hon. Warren R. Porter, now Lieutenant-Governor of the State of California.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. N. P. Chipman, presiding Justice of the Third District Court of Appeal, administered the oath of office to Lieutenant-Governor elect Warren R. Porter, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Lieutenant-Governor according to the best of my ability.

ADDRESSED THE JOINT ASSEMBLY.

The retiring Lieutenant-Governor, the Hon. Alden Anderson, and the Lieutenant-Governor elect, the Hon. Warren R. Porter, addressed the Joint Assembly.

READING AND APPROVAL OF MINUTES.

Minutes of the Joint Assembly were read and approved.

BENEDICTION.

Benediction by Rev. P. H. Willis, Chaplain of the Assembly.

ADJOURNMENT.

There being no further business, at one o'clock and thirty minutes P. M. the President of the Senate adjourned the Joint Assembly without day.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 10, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Burke, its further reading was dispensed with.

SPECIAL ORDER.

The report of the Committee on Rules, heretofore set for consideration at this hour and printed in the Journal of yesterday, was taken up and read.

Mr. Johnson of Sacramento moved to amend the report by striking out of Rule 69 the following words: "or gentlemen."

Amendment adopted.

On motion of Mr. Johnson of Sacramento, the proposed rules of the Assembly, as amended, were adopted.

REPORT OF COMMITTEE OF ATTACHES.

The following report of Committee on Attachés was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, CAL., January 10, 1907.

MR. SPEAKER: Your Committee on Attachés recommend the adoption of the following resolution:

Resolved, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names; said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diem; and the State Treasurer is hereby authorized and directed to pay the same:

Ed. J. Smith	History Clerk	$6 00
Cyrus Lindley	Doorkeeper	3 00
Alex. McDonald	Doorkeeper	3 00
R. S. Calish	Doorkeeper	3 00
John Norton	Page	2 50
Durham Sprague	Page	2 50
A. Clark	Assistant Clerk to Committee	4 00
E. Bowes	Assistant Clerk to Committee	4 00
Abe Green	Stenographer	5 00
Agnes Warra	Stenographer	5 00
Miss Gertrude Haines	Stenographer	5 00
Miss M. Brown	Stenographer	5 00
E. M. Long	Assistant Clerk to Committee	4 00
H. Laurensen	Assistant Clerk to Committee	4 00
R. S. Jones	Assistant Clerk to Committee	4 00
F. H. Crunly	Assistant Clerk to Committee	4 00
Henry Muegge	Assistant Clerk to Committee	4 00
Thos. Connolly	Assistant Clerk to Committee	4 00
E. C. Pyle	Assistant Clerk to Committee	4 00
G. P. Copp	Assistant Engrossing and Enrolling Clerk	5 00
Robina Alexander	Assistant Engrossing and Enrolling Clerk	5 00
E. Hudson	Assistant Engrossing and Enrolling Clerk	5 00
U. R. Strong	Assistant Engrossing and Enrolling Clerk	5 00
Olney G. Pedigo	Assistant Engrossing and Enrolling Clerk	5 00
S. D. Barclay	Assistant Engrossing and Enrolling Clerk	5 00
Dave Ellis	Watchman	3 00
J. B. Heslop	Watchman	3 00
Ed. Cox	Watchman	3 00
C. H. Taylor	Watchman	3 00
Zeke Walters	Watchman	3 00
Ben Chambers	Watchman	3 00
Geo. Hilbert	Watchman	3 00
Wm. Sampson	Watchman	3 00
B. Frazer	Watchman	3 00
John Dennigan	Porter	3 00
F. Y. Madeley	Porter	3 00
T. W. Green	Porter	3 00
Dennis Driggs	Porter	3 00
John Palmer	Porter	3 00
Chas. Huldberg	Porter	3 00
W. F. Jones	Porter	3 00
R. L. Woods	Porter	3 00

JOHN, Chairman.

The roll was called, and the report and resolution was adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—75.

NOES—None.

RESOLUTION.

By Mr. Johnson of Sacramento:

Resolved, That two copies of all printed bills and documents be distributed to each accredited representative of the newspapers.

Resolution read and, on motion, adopted.

MESSAGES FROM THE GOVERNOR.

On motion of Mr. Stanton, the following message from the retiring Governor, the Hon. George C. Pardee, was received and read and ordered printed in the Journal:

SECOND BIENNIAL MESSAGE OF GOVERNOR GEORGE C. PARDEE.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 7, 1907.

To the Senate and Assembly:

GENTLEMEN: It becomes my constitutional duty, before retiring from the office of Governor, to communicate to you such knowledge as I have respecting the condition of the State, and to present such recommendations for your consideration as appear to be necessary for the public good.

The material condition of the State, as a whole, was never better than at present nor perhaps ever before so good. California is enjoying its full share of the remarkable prosperity of the whole country, and all business enterprises are being amply rewarded. This favorable situation of our State appears truly remarkable when it is remembered that the disaster of April 18, 1906, resulted in a destruction of property values of at least half a billion dollars and in a temporary suspension of all business in the commercial metropolis of the Pacific Coast. For six weeks the banks were closed, and yet they have now so well recovered the lost ground that the clearings for the past year have been greater than for the year which preceded it. The settlement of insurance losses soon will have replaced nearly one half of the direct losses from the great fire, and San Francisco is already well started upon a new career of prosperity which will eclipse all that went before. San José, Santa Rosa, and other cities which suffered seriously are displaying like recuperative powers. Meantime, the general progress of the State has been unaffected, except that it appears to have been accelerated, rather than retarded. Our farms and our mines have yielded their golden returns to industry; the lumberman, the manufacturer, and every other producer who has been called upon to aid in replacing the waste of the late disaster finds the demand for his products larger than he can meet, and 1906 will pass into financial history as a banner year for California, in spite of the unparalleled calamity which came so unexpectedly.

The outlook for the future is now far different from what it seemed last June, when I called the Legislature together in extraordinary session. At that time the problem was to provide such legislation as would tide the State safely over a period of impending distress, and the measures demanded and adopted were those of pressing temporary expediency. Now the dangers which threatened, and which were so ably met by the Legislature at that special session, have passed away, and the Legislature can again take the long look ahead and frame its policies on the lines of permanence.

I congratulate you, gentlemen of the Senate and Assembly, upon this happy deliverance of the State from serious perils, and I bid you godspeed in the important tasks you are called upon to undertake.

REFORM OF THE REVENUE SYSTEM.

It affords me pleasure, as I am about to retire from the office of Governor, to be able to announce that a good beginning has been made in the direction of a reform of our system of State taxation—an important subject which I called to the attention of the Legislature in my inaugural address in 1903 and again in my biennial message in 1905. On both of those occasions I referred to the glaring deficiencies of the existing system, which, though supposed to be founded on equality, operates most unequally and unjustly. The Legislature of 1905 gave the matter serious consideration, with the result that there was created a State Commission on Revenue and Taxation, composed of two members of the Senate, two of the Assembly, the Governor, and an expert appointed by him. The members representing the Senate were Hon. M. L. Ward and Hon. J. B. Curtin, and the members from the Assembly were Hon. W. H. Waste (who soon resigned and was succeeded by Hon. E. F. Treadwell) and Hon. H. S. G. McCartney. Prof. C. C. Plehn, of the University of California, was appointed expert.

The Commission so composed organized soon after the Legislature adjourned and has prosecuted its important task with due diligence during the past two years. It has collected a mass of valuable information respecting the operation of the present revenue laws, which only serves to reveal more plainly their imperfections, and it has agreed upon the basis of a new system which it is believed will avoid the most serious objections to the old and will come much nearer doing justice to all interests and classes. With whatever difference of views the six members of the Commission may have entered upon the study of the subject, they were in entire agreement in the conclusions ultimately reached, and which were embodied in a preliminary report published last August. The final report, now completed, which will be laid before the Legislature, differs from the preliminary report only in

minor details so far as affects the measures proposed and in presenting, in greater detail, the information collected.

A New System Outlined.—In my former message to the Legislature I advocated the separation, so far as it could be accomplished, of State and local taxation as being the necessary first step toward the reform desired. This is the conclusion reached by the Commission, and it has devised a form of separation which it believes will be both practicable and equitable. Briefly stated, it consists in taking for the exclusive use of the State all the taxes to be derived from certain classes of corporations; also the poll tax, inheritance taxes, insurance taxes, franchise taxes, and fees collected by State officers. If the product of all these taxes, at the rates suggested by the Commission, shall be retained by the State, it is estimated that there will result a revenue for State purposes of from $9,000,000 to $10,500,000, which would be sufficient to meet all demands upon the State treasury at the present rate of expenditure, including the support of the public schools. For the support of county, city, town, and other local governments there would be left the entire product of the taxes upon real estate and personal property, which they are now compelled to share with the State government. One of the greatest advantages to accrue from such a division of the different sources of revenue between the State and local governments would be that it would at once end all of the causes of dissatisfaction arising out of the equalization by a State board of the assessments of the different counties. Each county and each city or town could then have a high or a low assessment of property values as might best suit local conditions, without the possibility of doing injustice to other communities.

The inauguration of such a system as this can only be accomplished by amendment of the Constitution, and the proposal made by the Commission on Revenue and Taxation is that the present Legislature shall submit to the people, to be voted on at the next general election, a constitutional amendment legalizing the suggested change. The method proposed for the taxation of public-service corporations and also of insurance companies is that of exacting a percentage of their gross earnings. Thus, it is proposed that all railroad companies, including street railroad companies, shall pay on their gross receipts earned within the State of California not less than four nor more than five per cent (the precise rate to be fixed by the Legislature); all sleeping-car, dining-car, drawing-room car, and palace-car companies, and refrigerator, oil, stock, fruit, and other car-loaning and other car companies, not less than four nor more than five per cent; express companies, three per cent; telegraph and telephone companies, three and one-half per cent; gas and electric companies, not less than four nor more than five per cent. Insurance companies are to pay two per cent upon their gross premiums received on business done in the State, and banks and trust companies to pay one per cent upon the book value of their shares of capital stock. It is also proposed that all corporations shall pay to the State a tax of one-twentieth of one per cent upon their authorized capital stock.

An Estimate of Probable Revenues.—Assuming the adoption of this plan of taxation, the revenues, old and new, for the support of the State government will be about as follows:

Old Revenues Retained or Only Slightly Changed:		
1. The poll tax	$500,000	
2. The inheritance tax	300,000	
3. Insurance taxes and fees	300,000	
4. Official fees, sundry offices	250,000	
5. Collections by State boards and institutions	225,000	
6. Earnings of State property and investments	1,000,000	
		$2,575,000
New Sources of State Revenue:		
1. Railroads, including street railroads	$3,800,000	
2. Express companies	120,000	
3. Car companies	75,000	
4. Telegraph and telephone companies	210,000	
5. Light, heat, and power companies	600,000	
6. Franchises	500,000	
7. Banks	1,500,000	
		6,805,000
		$9,380,000

These amounts are computed on the lower of the two rates suggested for railroad and other corporations, and if the higher rates are adopted the total estimated income for State purposes is increased to $10,500,000. It is proposed to insert the rates of tax in the Constitution, subject to the power of the Legislature to change them once in six years.

The rates suggested by the Commission have been computed with a great deal of care after very full investigation. The effect of their adoption would be to compel the corporations named to pay, in nearly all instances, more taxes than at present, and in some cases much more. Yet it is not believed these rates would do

an injustice to the corporations, which could well afford to pay something additional in consideration of the advantage of always knowing just what their taxes would be in proportion to their income and being relieved of all fears of unexpected and possibly unjust assessments.

That the plan proposed would solve the revenue problem for the State government can not be doubted by any one who will carefully investigate. Our public-service corporations are growing rapidly, and the revenue derived from taxing them upon their gross receipts will increase to meet the increasing needs of the State. This has been the experience of other states which have adopted this plan of taxation in whole or in part. Only recently it was announced that the State of Wisconsin had found it unnecessary to levy any State tax because the revenues from indirect taxation were ample to meet all needs. Several other states have adopted a plan similar to that proposed by the Commission.

I urge upon the Legislature that it give its serious attention to this subject; that it review the work of the Commission, and determine the exact percentages of gross income tax to be levied, and that the constitutional amendment, when perfected, be submitted to the voters at the election two years hence. The people can be trusted to settle the question wisely. It has now been under discussion for four years, and when the discussion shall have extended over six years surely every intelligent citizen of California can be trusted to form his own opinion.

Our present law of taxation is antiquated and thoroughly discredited. Every State in the Union having one like it is dissatisfied and trying to effect an improvement. The plan suggested by the California Commission on Revenue and Taxation is along the lines which have been followed in the most advanced states and those whose revenue systems are now in the most satisfactory condition. There will be no more auspicious time than the present to refer the issue to the people, and by doing this the present Legislature can earn the gratitude of all citizens who are groaning under the unjust burdens of the present system, and praying for a better one.

PRIMARY ELECTION AND CONVENTION REFORM.

By a general consensus of opinion, the time has arrived when the citizens of California should proceed to effect certain needed changes in the methods by which candidates for office are nominated; and since the primary election lies at the root thereof, it is quite natural that there should be a demand that the reform shall commence at that point. Thus we find both of the old parties pledged by their latest State platforms to the inauguration of what is known as the direct primary.

This term does not appear to mean the same thing in all of the several states which claim to have direct primary laws, but in its most radical form the direct primary implies the nomination of all party candidates, State, county, and municipal, by direct popular vote. It would also follow from this that party committees, if still continuing to exist, would be of greatly diminished importance. In other words, this very thorough-going remedy for the admitted evils of conventions and of State and county committees consists in the practical annihilation of the system of which they are the principal parts.

But in certain states where the direct primary idea has found lodgment it has been applied in a modified way, conventions being retained but the voters being given the privilege of indicating on their ballots their choice of candidates, and the delegates being bound by the popular choice up to a certain point. The states of Oregon and Wisconsin have adopted the direct primary in its pure and unmodified form; Minnesota has done the same as to all local and district officers, but not as to State officers, who are still nominated in conventions; Illinois and North Dakota retain the conventions along with direct popular vote for candidates. In Iowa the Legislature has given serious consideration to a law of the latter type, but has not yet adopted it.

The Operation of the California Law.—There is little if any doubt that in its unmodified form the direct primary would be, at present, unconstitutional in California. At the general election in the year 1900 the Constitution was amended in the supposed interest of primary election reform, but the language of the amendment appears to exclude any primaries except those for the election of delegates to conventions. The statute of 1901, following the amendment, throws around primaries for the election of delegates the same safeguards as are provided for general elections; but the law makes these legalized primaries compulsory only in the twelve most populous cities of the State, and leaves it optional with the voters of other communities to adopt the system if they care to do it. They have not cared to do it, and, in consequence, in the greater portion of the State, delegates to conventions may be chosen in any manner desired by the party committees.

In most instances delegates to conventions which are to nominate county or municipal candidates are chosen at informal primaries, but very often in the cases of State and district conventions, including those which nominate Congressmen, Railroad Commissioners, Members of the Board of Equalization, and Judges of the District Courts of Appeal, the delegates are appointed by the county committees. The present law permits this thoroughly unrepresentative practice, and that is one of its greatest weaknesses. By such methods the people are prevented from taking any effective part in the making of nominations which concern them most vitally, and the way is opened for boss and corporation control.

To comprehend the full meaning of the system it is necessary to bear in mind that if a handful of politicians denominated a committee can appoint the delegates to a convention, they can usually perpetuate their power, because the convention thus composed appoints the new committee, which can in turn appoint the next convention. In other instances conventions composed of delegates elected at informal primaries name the delegates to State and district conventions, and this is better, because more nearly representative, than the appointment of delegates by committees; but this plan of indirect election is itself often very unsatisfactory and can not be entirely commended.

If the convention system is to be retained, as seemingly it must be until the Constitution is amended, the primary law should require the direct election by popular vote of all delegates to State and district, as well as county, conventions. Only by being kept in close touch with the people can a party organization be representative, and when it ceases to be representative it immediately becomes dangerous. That party control should be based upon the will of the party voters is universally admitted in principle, but in practice the principle is easily lost sight of, and though at first no evil result may be apparent from the acceptance of unrepresentative practices, a party organization which gets out of close relation with the mass of voters will cease to work in their interest; instead of being an instrumentality to give effect to the will of the people, which is the only rational function of an organization, it tends to become a means of thwarting and defeating it.

More Truly Representative Committees.—Direct popular election of delegates would do much to improve our nominating conventions by making them more representative, but at the same time equal care should be taken to secure representative committees to manage party affairs. I am of the opinion that State and county committees should never be named by or during conventions, but that the members should be chosen directly by the voters at the same time that delegates are elected. A member of a governing committee usually exercises more influence in the direction of party control than a delegate to a convention, and if there is ground for holding that the latter should be chosen only by popular vote, much more should that be the case with the committeeman. And when a State or county committee has been chosen by the party voters, the law should not permit such committee to be set aside, on the specious pretense of creating a State Executive Committee, or a Campaign Committee, or any other kind of committee devised and fathered by politicians. In former times, before political bosses had become so fertile in expedients, a State Central Committee was the governing body of the party in the State at all times when a convention was not in session; but to-day a State Central Committee is, at least in that party which is usually in a majority in California, no more than a meaningless name. Most voters do not realize this, but it is a fact. Real control is exercised by a body called a State Executive Committee, which is not a sub-committee of the State Central Committee, nor appointed by it, but is entirely independent of it and is a creation of the one-man power; it is appointed after the convention by the chairman of the latter, or, as has sometimes happened, by the candidate for Governor. When an election campaign is on the State Central Committee holds no meetings; it does not even elect its own president and secretary, for the officers designated for the State Executive Committee become those of the State Central Committee, which is thus captured, or dominated, by the body appointed to supplant it. The only function which appears to be left to the once-powerful State Central Committee is to meet once in two years and decide when and where the next convention shall be held.

A New Political Encroachment.—As if this perversion of party organization were not bad enough, the past year has witnessed another departure more surprising than any which preceded it. In the State convention of the majority party there was adopted, without debate, and seemingly without a thought, the strange proposition that henceforth the retiring State Executive Committee shall appoint the temporary chairman of the coming convention. Whatever may have been the motive with which this innovation was proposed, it is easy to see to what it will lead. A clique which may happen to be in control of the old committee will have it within its power to program the State convention through the temporary chairman, who is the only important chairman, because he appoints the committees on credentials, on organization, and on platform. When the State Central Committee was unhorsed by the State Executive Committee the party's governing body ceased to be representative of the people; the proposal to deprive the State convention of the power to organize itself is an extension of the same kind of politics and is an attempt to prevent the party voters from having any effective representation in State conventions. If one could really persuade himself that a State convention made up of intelligent citizens of California would actually permit itself to be denied the exercise of the right to organize and govern itself, there would be the strongest of justifications for joining with those radical reformers who demand the abolishment of conventions at once and forever.

Abuses in the Convention System.—But whether or not the next Republican State Convention shall surrender its right of self-government, it is only fair to admit that the convention system as now conducted develops some evils for which

misrepresentation of the people is not wholly responsible, although the evils are greatly aggravated thereby. By far the worst of these evils is the making of combinations whereby nominations cease to represent the honest preferences of a majority of the delegates and become a mere matter of "trading" or worse. The adoption of this practice in State conventions is the prolific parent of innumerable abuses, but in particular it facilitates domination by bosses and corporate interests. If these interests can succeed at the beginning in controlling absolutely only a small minority of the delegates, they may hope, by making a series of trading combinations, to capture the more important nominations and even to dictate for their own benefit the selection of judges for our highest courts. Further than this political demoralization could hardly go while keeping up even a pretense of self-government by the people.

Nevertheless, the genesis of this evil, as of most evils of politics, is in the people themselves, who are frequently so anxious to promote the success of local candidates that they do not stop to think of the ultimate consequences of setting in operation the dangerous system of trading combinations. They begin trading to secure what they believe to be a worthy object, and in the end they are traded out of control of the party and out of decency and self-respect. The special misfortune of the convention system is that it furnishes such a fertile field for the cultivation of this alarming abuse, and it is difficult to see how it can be remedied without either some essential modification of the convention or its abolishment, as many advocates of the direct primary propose.

Opinions Concerning the Direct Primary.—The direct primary, in one form or another, now exists in Oregon, Montana, North Dakota, Minnesota, Wisconsin, Illinois, Mississippi, and Texas, and, in the hope of ascertaining how far it is a practical working success, I addressed inquiries to the Governors of those states. In response I received letters generally affirming the success of the experiment, but admitting a few objections or suggesting certain changes. Thus, Governor Chamberlain of Oregon wrote that the effects in his State had been salutary, that the direct primary tends to eliminate bosses and machine politics, and that it will in future be still more beneficial, because the voters will understand better the responsibilities devolved upon them. The principal objection found in Oregon was the large expense imposed upon candidates, who were compelled to make, practically, two campaigns. To remedy this Governor Chamberlain proposes a legal limitation of the amount of such expenditures.

Governor Johnson, in his reply, conceded that there are defects in the Minnesota law, which applies to city, county, and district nominations; efforts have been made to extend its operations to State nominations, but they have failed because, as Governor Johnson believes, no feasible plan has been presented. In the main the new method of making nominations has proved itself to be an improvement upon the convention plan, and it is a great promoter of independent voting.

Governor Davidson of Wisconsin wrote that the law in that State proved itself upon the first trial to be "very satisfactory" and that "nothing but words of commendation of it" were heard. Nevertheless, the Wisconsin law is admittedly imperfect as it stands, Governor Davidson saying: "What appears to me to be one of the chief faults in the statute is the opportunity it gave Democrats in Wisconsin to make the Republican nominations. The Republican party * * * is almost supreme in Wisconsin. Very few votes were cast for Democratic candidates here on September 4th, that party generally preferring to make the Republican nominations." This would indicate that a direct primary, to be conducted fairly, must go hand-in-hand with a strict party registration law which will render it impossible for a voter to participate in any primary contest except that of the party to which he professes to belong.

A Compromise Law in Illinois.—The Illinois law represents a compromise, which was adopted principally because it was feared that the direct primary pure and simple would lead to the making of many nominations by such small numbers of voters that such nominations would be as unrepresentative as the work of the worst convention. Therefore, while conventions were abolished in the making of municipal nominations, they are retained in all other cases. But when the voters cast their ballots for delegates they also vote for candidates for the various offices, including United States Senator. Moreover, it is left optional with counties to abolish conventions in making county nominations, if they choose to do so. Delegates are required to cast at least one ballot for the candidates who received a plurality vote in their respective districts; the law releases them after the first ballot in order to prevent a deadlock; but the theory seems to be that when there has been an explicit expression of the popular choice, or anything resembling it, delegates will not be likely to go far wrong. Governor Deneen asserts that the Illinois plan has worked well and believes that, with a few modifications, it will be superior to either the Minnesota or the Wisconsin method. He concedes, however, that there is still a strong feeling in his State in favor of a more uncompromising direct primary law.

It is not necessary to quote the replies received from other states, which present no points of special significance differing from the foregoing.

It will be observed that the direct primary, particularly as a method of nomi-

nating State candidates, has not yet advanced beyond the experimental stage, the existing laws being conceded by their makers to call for amendment. The objections oftenest urged against a direct primary law which dispenses with conventions are that it tends to a multiplication of candidates and hence to the making of many nominations by small fractions of the electorate; that the largest centers of population in a State and the largest towns in a county will dictate most of the nominations, because their votes will be more concentrated than those of the rural districts; that the expense to candidates, already too great under the old plan, will be largely increased; that without conventions there will be no good way of making party platforms, the Wisconsin plan of having the candidates meet after their nomination and frame the platform being open to objection. On the other hand, it is argued that the new system will naturally be improved and that all of the objections before mentioned can be overcome; also, that the voters could well afford to put up with a good many disadvantages to get rid of the evils of convention nominations effected by trading and of unrepresentative party committees. As to whether the direct primary will abolish bossism opinions differ considerably, but in fairness it must be conceded that if the boss is not destroyed by direct nominations, the most profitable field for the exercise of his arts will be removed with the passing of the convention.

Conclusions From the Foregoing.—To sum up, I have pointed out that the present method of making nominations in California is susceptible of marked improvement; that the direct election by the people of all delegates would be a long step in the right direction; that the Illinois primary law, which permits voters to vote for candidates as well as for delegates, might be added to our convention system with beneficial results, as might probably be done without constitutional amendment; that the reform of the party committee organization is also a necessity; that if it be decided not to attempt to reform the existing methods but to cast them aside and establish the direct primary in its full vigor, there is at least a fair probability that the new plan would be successful, although a constitutional amendment would be needed to accomplish it, and therefore we should be compelled to wait two years before results could be obtained.

I recommend the careful and conscientious attention of the Legislature to this matter, as demanded by the party platforms and the people of the State.

STATE FINANCES.

On assuming the duties of Governor, four years ago, I found the condition of the General Fund such that, in order to meet the expenses of the State government, it became necessary to borrow from other funds $1,368,000. In order to restore to the funds thus borrowed from, it was necessary to increase each of the tax levies for the years 1903-4 and 1904-5 nearly six cents above what would have been necessary had it not been for the deficiency in the General Fund.

The State Treasurer has been able to meet all demands upon the General Fund up to the close of the calendar year without touching a dollar of new taxes, and has a surplus of $1,000,000 for meeting appropriations to be made by the incoming Legislature. This condition has resulted from making a sufficient tax levy each year during my administration, and from a more abundant yield from certain special forms of raising State revenue than conservatism had reckoned on.

Therefore, while economy should characterize all appropriations, it will not be necessary for the incoming administration to be parsimonious in approving appropriations for meeting the real needs of public institutions and the legitimate requirements of public expenditure, a necessity that was imposed upon me when I took office by reason of the depleted condition of the State treasury.

The disaster of April 18, 1906, and succeeding days, wrought great destruction to taxable property, but the splendid prosperity enjoyed by our State has well nigh made good to the State tax roll the taxable value destroyed. The total assessed valuation of all property in the State for 1905 was $1,624,991,742. For 1906 it was $1,595,897,411; a difference of $29,094,331. There is no doubt that this deficiency has been much more than made good by increase of wealth since the last assessment was made.

Had it not been for the necessity for adding six cents to the tax levy for the first two years of my administration, in order to make up the deficiency I found in the State's funds, the average State tax rate during my four years' term would have been lower than that of the preceding administrations, except Governor Markham's. As shown above, there is, instead of a deficiency, a surplus of $1,000,000 now in the State treasury.

Betterments.—A growing population and the consequent increasing demands on our public institutions tend steadily to increase taxation. It is only when taxation begins to trench upon productive enterprise that real injury is inflicted, provided, always, that public moneys are so expended as to give a dollar's worth of value for each dollar taken from the pockets of taxpayers.

In obedience to the views above expressed I have, during my administration, been as liberal in approving appropriations designed to meet real needs of public institutions as it seemed the tax-paying power of the people could meet without hardship, and I think that the following comparisons of appropriations made for permanent

improvements during my own administration and the three preceding ones will bear out this conclusion:

Markham administration	$1,443,764 57
Budd administration	1,140,375 27
Gage administration	826,743 83
	$3,410,883 67
Pardee administration	3,191,372 79

Of the above amount credited to my administration only $306,500 was appropriated by the extraordinary session of 1906.

This very substantial gain in betterments was accomplished without making an excessive tax levy. The average tax levies on each $100 of assessed valuation under the three preceding administrations were as follows:

Markham administration	48.7 cents
Budd administration	52.8 cents
Gage administration	49.0 cents
Pardee administration	51.5½ cents

Legislative Expenditure.—Although excessive legislative expenditure is not under Executive control, yet the administration is, in the public mind, somewhat chargeable with it and the dominant party can not escape responsibility for it. I therefore beg leave to call the attention of the Legislature to an instructive comparison of legislative expenditure during eight legislative sessions, exclusive of legislative printing:

No. Session.	Contingent Senate.	Contingent Assembly.	Cost of Session.
Thirty-first	$55,500 00	$63,359 19	$196,409 59
Thirty-second	46,714 69	70,000 00	203,300 16
Thirty-third	35,431 09	24,707 53	170,629 57
Thirty-third, extra	1,351 87	3,000 00	31,881 87
Thirty-fourth	35,996 00	47,247 39	198,233 48
Thirty-fifth	51,950 00	59,922 30	225,493 42
Thirty-sixth	62,497 82	83,687 86	258,354 69
Thirty-sixth, extra	2,737 40	4,000 00	25,477 54

While excessive legislative expenditure does not, of itself, entail so heavy a burden upon taxpayers, the spirit that prompts it tends to excessive appropriations in other directions and it tends to destroy public confidence in the legislative branch of government and has been a strong factor in the refusal of the voting public to grant the Legislature time enough in which to perform the work which a growing State imperatively requires. No matter how sincerely disposed a Legislature may be to do so it can not, in a sixty days' session, give to public business the attention which it demands. Economy in legislative expenditure is a necessary first step toward the granting of a longer time in which to legislate. Unwelcome as the thought may be, it is lack of public confidence in legislative bodies that prompts the voter to confine legislative effort within such narrow metes and bounds, and gives such insistence to the growing demand for direct legislation.

Custody of Public Funds.—In my message to the Legislature two years ago I pointed out the necessity for placing public funds in banks at interest on average daily balances, the banks to furnish unquestioned security for the loan and to hold the money subject to call. The Legislature, acting upon this suggestion, enacted a law, approved March 20, 1905, providing for making such deposits. But, being in doubt as to the constitutionality of the measure, the Legislature also submitted a constitutional amendment to the people providing for the deposit, not only of State funds, but also of county and municipal funds in like manner.

This amendment was adopted by the people, and I respectfully recommend to the Legislature such supplementary legislation as shall enable the purposes of the constitutional amendment to be fully carried out. I do this, not only in the belief that the policy commended will result in idle moneys producing large earning capacity, but also in the belief that the carrying out of this measure will prevent an unnecessary contraction of the volume of circulating medium to the injury of business. With the purpose of this amendment put into full operation, tax-paying time will thereafter produce almost no stringency in the money market.

Insurance of State Property.—I desire again to call the attention of the Legislature to the fact that no provision has as yet been made either for insuring State property or for creating a State insurance fund out of which losses may be paid without waiting for a session of the Legislature to make appropriations therefor. The State has so far been more fortunate than prudent with regard to fire losses. It has no buildings that are strictly fire-proof, and no way is furnished institutions for making extensive repairs caused by fire without great delay and inconvenience.

A State tax levy of five mills on each $100 of assessed valuation, imposed for the purpose of creating a fire indemnification fund, would yield something like $75,000 a year, and would, in a few years, create a fund quite sufficient for the purpose, replenished from time to time by direct appropriation where losses are made good

out of it. This fund might well be placed in the custody of the State Board of Examiners for investment in negotiable securities, to be sold as moneys are needed for making losses good. The State can insure its own property more cheaply than it can hire it insured, and prudence dictates that it create an insurance fund of its own.

The Five Per Cent Land Fund.—The old adage that there is never a great loss that is not attended by some small gain was seldom better exemplified than in the recent procurement from the United States Government of five per cent on the gross amount realized on the sales of public lands within the State. Many other states were allowed and paid this fund years ago, and there was never more than a purely technical reason why the claim of California had not long since been paid. The great disaster of April 18, 1906, and the increased activity of the California delegation in Congress moved the heart of Congress to respond to the appeal, and legislation was at once had making the five per cent fund available. The State Treasurer has already received upon this account the sum of $425,712.59, and a warrant for $2,559.02 in addition has been drawn in favor of the State, but has not reached the State Treasurer. It is believed that this fund will reach $1,000,000 when all allowances have been computed. As required by our State Constitution, this fund will be covered into the permanent State School Fund, which fund, no matter how large it may become, will still be inadequate for meeting the growing requirements of public education.

THE PRISON SYSTEM OF CALIFORNIA.

No fact in connection with the penal institutions of the State stands out with greater distinctness than the rapid growth of the prison population. Between June 30, 1900, and June 30, 1906, the number of inmates of our two prisons increased from 2,130 to 2,633, or 24 per cent. This increase in a period of six years was much greater than the increase during the ten years which preceded. In 1890 there were 2,057 prisoners in the two prisons; so that between that year and 1900 there was a total increase of but 73, as compared with an increase of 503 in the last six years. It is as difficult to explain the smallness of the increase during the preceding ten years as it is the magnitude of it in the last six years.

The Legislature of 1905 appropriated $168,000 for the construction of a prison wall and new cell-house at Folsom Prison, and $310,000 for the extension of the prison wall at San Quentin Prison and the erection of new cell-houses. None of this money was made available before July 1, 1905, and then in sums ranging between $20,000 and $40,000 each half year, extending, in the case of Folsom, to January 1, 1909, and in the case of San Quentin, to July 1, 1909.

At San Quentin it was necessary to execute a large amount of grading before construction work proper could begin, and there have been delays due to the necessity for securing the consent of the United States Government to the filling of an arm of the bay, to the San Francisco fire, and to other causes; in the case of Folsom the State Board of Prison Directors did not feel like commencing construction until after there should be a reasonable assurance that the State would not lose the benefit of the water power which was the principal reason for establishing a prison at that place. Work is now progressing at both prisons as rapidly as it can be performed with convict labor. Nevertheless, it will be several years before San Quentin and Folsom can be put in good condition for the discipline and proper care of even the present number of prisoners, and, owing to the increase in the prison population, the construction work provided for will no sooner have been completed than the State will again be face to face with the problem of more cells. The lack of a sufficient number of cells to permit the segregation and classification of prisoners has all along been the worst feature in the situation and largely explains the failure to develop a proper prison system in California.

Parole and the Indeterminate Sentence.—There are two good ways of lessening the congestion consequent upon having too many prisoners and too few cells to put them in, aside from constructing additional prison quarters for them. One of these is the extension of the parole system, and the other is to enact a prudent indeterminate sentence law. Both of these will require additional legislation to put them into operation.

During the fiscal year ending June 30, 1905, 48 prisoners were paroled out of the two prisons. During the year ending June 30, 1906, there were 53 paroled. In all since the parole law went into effect, in 1893, only 304 prisoners have been paroled. Of these 27 violated their parole, and of those who violated it 18 were returned to serve out their unfinished sentences, leaving only 9 to win their liberty by their perfidy, and these have the danger of apprehension perpetually hanging over them.

To make the parole system effective there must be a parole officer connected in some intimate way with each prison. He must know the prisoners, not only as prisoners but as men, and must make himself familiar with their pre-prison history. Then he must follow, helpfully, those who need help while out on parole. There are doubtless many men in our prisons who are well deserving of being paroled, if only the Board of Prison Directors had time to reach their cases, which, being busy men of affairs, they have not yet had.

That some punishment is due those who violate the law, merely as a vindication of the law, most penologists admit. It will not subserve the interests of justice to turn such men loose upon society merely because they are sorry they have done wrong as soon as they are sorry, no matter how sorry they may be. There must be a degree of punishment that will prove a deterrent factor in the conduct of the criminally disposed. This attained by a minimum sentence, the best thought of prison discipline should be to return the prisoner to society as soon as may be with due regard to social safety. This the indeterminate sentence permits to be done by allowing the prisoner to work out his own liberation by good conduct and remedial effort.

There are those who have felt that the indeterminate sentence could not well be put in operation until the new cell-houses are constructed, but it does not appear that the operation of that law need wait for cell-houses. The sooner it is put in operation the less congested those cell-houses will be when completed.

It costs California $138.70, besides interest on the investment, to keep a man in prison, and if one can be set at liberty, either on parole or by indeterminate sentence, so that he can, by his service, earn $500 a year, it is immensely profitable to open the gates to such men as soon as they can be opened with due regard to the dignity of the law and the safety of society. This does not so much depend upon reformatory work as it does upon setting men at liberty who are not really criminals, but good men who have done bad things, as many good men do; but some of the bad things done by good men are, fortunately, not so very bad. There are prisoners enough who are criminals at heart to keep our new cell-houses full, and many such should never come out because thoroughly case-hardened. I think it time to inaugurate the indeterminate sentence system in California, almost as much for the relief of the State as for the relief of the prisoners who would be the sooner liberated by it.

More Work Needed in the Prisons.—Of 2,633 persons undergoing punishment in our prisons, 676, or a few more than one fourth, had undergone imprisonment before. It is noticeable that most of the atrocious crimes against life, as incident to onslaughts upon property, are committed by recidivists. This is partly because the confirmed criminal is a natural recidivist if ever allowed his liberty, and partly because the effect of prison life, as our prisons are conditioned, is to demoralize rather than to reform. When California shall come to the establishing of a true reformatory more redemptive work may be accomplished than can now be hoped for, and yet if more educational work were done in our prisons, and if the waking hours of prisoners were more fully occupied, we might look for less demoralization if not for more positive reformation.

Tasks unrelieved by any hope of personal gain are seldom educative into habits of sustained industry. California needs to have more profitable work for its prison population to do, and as soon as it can be brought about industries should be established at both prisons for the manufacture of such commodities as the State institutions require. If, then, in addition to a certain specified task to be completed on State account, the prisoners were given an opportunity to earn something for themselves, be it ever so little, they would learn to perform sustained labor before they knew it, and there are few men in prison who have been habituated to sustained labor.

I am more than ever persuaded, however, that not all the prison reforms we need are likely to be fully realized until our entire prison system of control shall have undergone a considerable reorganization. It is my judgment that the executive head of the prison system should be a General Superintendent of Prisons and Reform Schools, who shall be a specially trained man, and who shall be allowed to select such subordinates in his own office as he may need, and select the wardens of the State prisons by and with the consent of the Board of Prison Directors. Such an officer must necessarily give his whole time to the work, and the whole time of one competent official is worth several times more to the State than the spare hours of many busy men engrossed in private affairs, no matter how able and interested they may be.

STATE HOSPITALS FOR THE INSANE.

The provision made by the Legislature of 1905 for the maintenance of the five State hospitals for the insane aggregated $2,013,055, without counting appropriations made for permanent improvements or acquisitions of new properties, and this sum will all be used before the termination of the fifty-eighth fiscal year June 30, 1907.

At the beginning of the fifty-sixth fiscal year, July 1, 1904, there were in the five State hospitals, 5,774 patients. On November 30, 1906, the population of these institutions was 6,091, a gain of 317; but as a result of the great earthquake of April 18 last, 101 patients at Agnews Hospital were killed; otherwise the total patient population of the five hospitals would have been 6,192, making the increase of patients 418, or about 14 per month. Projecting this ratio of increase forward for the ensuing two years it will be necessary for the Legislature to appropriate $2,156,235 to sustain our hospitals for the insane during the fifty-ninth and sixtieth fiscal years, an increase of $143,000 for the two years. This does not exceed the most reasonable anticipations, inasmuch as the increase in patient population during the next two years is likely to be as great as 500 persons.

There is a growing conviction among hospital authorities the country over that better work ought to be done toward effecting permanent cures of patients suffering from mental ailments. Our hospitals have been taking good physical care of patients intrusted to their charge, but they have all been overcrowded and have not been supplied with up-to-date appliances for the proper treatment of the patients. There is not a State hospital in California to-day that is fully equipped. All of them should be, and I respectfully commend to the Legislature the wisdom, economy, and humanity of making appropriations for each of the five institutions sufficient in amount to build and equip suitable cottages for the care and effective treatment of acute cases. The hospitals at Napa and Mendocino have funds in hand for one such cottage each, but each should have another, and the other institutions should each have two. It costs the State in the neighborhood of $3,000 to maintain each insane patient during the expectancy of hospital life. If by expending $500 or $1,000 in the most improved efforts to effect a permanent cure during the early stages of the disease such cures can be effected in any considerable number of cases, it will warrant the State, on purely economical lines, in making a very considerable expenditure for that purpose. It goes without saying that the humane considerations are at least as important as the economic.

For the care of chronic incurable patients the State should have recourse to cheaply constructed buildings upon agricultural lands where the labor of such patients as can labor should be profitably employed, and where all may be made happier by a freer and more wholesome out-of-door living. This will make room in the existing institution buildings for the accommodation of such patients, other than those already described, as may be committed from time to time. No new hospitals should be built until those we now have shall each contain 2,000 patients.

Agnews State Hospital.—This institution merits special consideration. It was totally wrecked by the earthquake of April 18, as the cost of salvage practically equaled the value of the material saved. The loss is estimated at about $800,000, and 11 officers and attendants and 101 patients were killed and many injured. The earthquake was very severe at this point, but had the workmanship and superintendence of construction been what they should have been it is not likely that many, if any, lives would have been lost. It is impossible that so severe a lesson as that taught by the Agnews disaster shall fail of impressing its importance upon future public construction in this State. Temporary accommodations have been made for 800 patients still retained there with which they can be made reasonably comfortable until reconstruction work can be done. The situation is not all that could be wished for, but is at all events eligible. It is near to one considerable city and not far from the bay district of California with its rapidly increasing population. Its location is one that makes it especially adaptable for the care and treatment of special phases of insanity. The reconstruction of a modern institution at Agnews, upon lines that will insure safety of the officers and patients and make the security of the buildings probable, will involve the expenditure of possibly nearly $1,000,000. If the construction work be extended over a period of four years, and it is not probable that it can be well done in less time than that, this appropriation can be made without seriously embarrassing the finances of the State.

Home for the Feeble-Minded.—Included in the estimates for the maintenance of the State hospitals is the maintenance of the California Home for the Cure and Training of Feeble-Minded Children, at Eldridge, in Sonoma County. This institution has taken good physical care of the unfortunates in its charge, but has fallen far short of accommodating all who are proper subjects for admission to it. I therefore respectfully commend to the Legislature the need for enlarging this institution to meet the legitimate demands made upon it. It is doing good work, and its ability to take care of the feeble-minded ought to be adequately extended.

A Colony for Epileptics.—There are probably as many as two hundred epileptic insane persons scattered through the five hospitals of this State, and there are probably half as many in the Home for Feeble-Minded, but there are scores of epileptics throughout our State who are neither insane nor feeble-minded. Our State should make reasonable provision for the care and treatment of this class of unfortunates.

This will not require the creation of a new institution. At the Home for Feeble-Minded there is abundant land, and a single board of managers will suffice for every purpose of both institutions. In my judgment, the Legislature should make provision for establishing an epileptic colony at the Home for Feeble-Minded. In this way many patients now improperly in our insane asylums would be given care and attention which they can not receive in the asylums. It is time for California to be moving in this direction, especially as it may be done with such comparative inexpensiveness.

DEPENDENT AND DELINQUENT CHILDREN.

During the eight years ending with June 30, 1906, California has paid out toward the support of dependent children the sum of $3,664,408.03. Of this sum $2,856,751.51 has been devoted to the sustaining, in part, of an average of 5,567 children in orphanages, and $807,656.52 to sustaining 2,341 children aided through boards of supervisors outside of orphanages, mainly by allowance to the surviving parent, or

other relatives, in their own homes. During the last four years the number maintained in orphanages has dropped from 5,907 in the fifty-fourth fiscal year to 5,277 during the fifty-seventh, and the amount paid to the forty-odd orphanages has dropped from $375,857 in the fifty-fourth year to $337,955.22 in the fifty-seventh. In outside aid, dispensed through the boards of supervisors of the several counties, the number has decreased from 2,539 during the fifty-fourth fiscal year to 2,062 during the fifty-seventh, and the sum paid for this form of aid has decreased from $114,442 in the fifty-fourth year to $103,338.68 during the fifty-seventh.

This latter form of expenditure, commonly called out-of-door relief, has a rather constant tendency to increase, owing to a prevailing predisposition of county boards of supervisors to proceed in such matters along lines of least resistance, because they can pass their expenditures up to the State for reimbursement. There are some counties, however, which have their charities so well organized that their benefactions under this law are bestowed with great discrimination.

The comparative economy secured recently in the distribution of the moneys supplied by the State is the result of a more careful inspection of claims and more thorough visitation of applicants for relief. It is along the line of establishing the fact of dependency that the greatest reform in the administration of this fund is to be looked for, and this fact should be established by the juvenile court, and not otherwise, before any child shall become a State charge. It is now established by the managers of orphan asylums and by the supervisors of the several counties; and it is almost certain that a considerable percentage of children drawing State aid are not, or need not be, dependent on the State. No matter how conscientious the orphanage people may be, they can not have the same opportunity that a court would have for ascertaining all the facts in an inquiry conducted under oath. In order to prevent an unnecessary humiliation of deserving applicants, such examinations might well be held in chambers, at the discretion of the judge.

The money that the State gives our forty-four orphanages constitutes only one half to three fifths of the total cost of their maintenance. They are maintaining over 1,300 children for whom they receive no State aid at all.

Delinquent Children.—The number and atrocious character of crimes committed in this State by youths, and the steady growth of California's prison population, bring home to us all the tremendous importance of the problem of child delinquency. The advantageous point of attack for this evil is at its incipiency, and this is when truancy first manifests itself. It is with truancy that delinquency almost invariably begins. Truancy and parental schools should be established where needed, and the compulsory education law should be more strictly enforced. Every considerable city in the State should have one or more special schools for backward children, and nearly every county should maintain a truancy or parental school and at least one school attendance officer to make the law and the school effective. A more general provision should also be made for the addition of manual training to our common school course. We should not only strive to compel children to attend school, but also do all in our power to interest them in their studies when they are there. Nothing contributes more certainly to this end than manual training.

The State is maintaining juvenile reformatories at both Ione and Whittier. The school at Ione, known as Preston School of Industry, is maintaining an average of about 210 students at a per capita annual cost of $247, or a total of $51,870 per year. The permanent investment in this institution now amounts to about $325,000, including equipment. The school is doing good work, especially since a system of manual training has been introduced and since real work has been undertaken in building enterprises. However, there is room for improvement along the lines of educational work in mechanics and agriculture, and in commercial work for advanced pupils.

The State School at Whittier has been maintaining an average attendance of about 280 boys and 35 girls at a per capita annual cost of $311.79, or about $110,000 a year for salaries and maintenance. The school work *per se* has been good, but there has been wanting a keener spirit along the industrial side of the training given, and manual training has not as yet been established. The farm of 160 acres is in good condition, but the sanitation is and has been bad and something like an epidemic of typhoid has resulted, very likely from that source of infection. The State's investment in this school is about $350,000, not counting repairs and betterments made from time to time with current and contingent funds.

Neither of the schools above mentioned is maintaining parole officers. I regard this as an error, and strongly recommend that the Legislature not only require the maintenance of such officers, but provide therefor in a financial way.

I commend these institutions to the favorable consideration of the Legislature.

Placing Out of Children.—The State should be the guardian of every child within its borders, especially the dependent children, but the guardianship has not heretofore been properly asserted. There is no question that the best place in which to rear a dependent child is in the home of some good, childless family, but there is no department of charitable work that needs to be carried on with more tactfulness, and with more unselfish motives than that of the placing of dependent children in homes other than their own. California has, as a State, exercised no such function of guardianship. Associations and individuals, with no official authority, have

undertaken this work, but it is time that proper legislative action were taken in this regard. It should be made the business of some department of State government to investigate and license such placing-out agencies as are entitled to public confidence, and prohibit the activities of such as are not.

States which undertake to discharge the guardianship of dependent children maintain systems of visitation and inspection to all homes in which dependent children have been placed, and the welfare of such children is thus assured, their education enforced and their personal and property rights protected. The work here outlined is usually performed by State Boards of Charities and Corrections, and it would be well to confer this function upon this board and equip it properly for that purpose. It is not improbable that as many as one thousand such children are now drawing State aid who should be placed in homes to be reared, thus saving the State anywhere from $75,000 to $100,000 a year in appropriations for dependent children.

STATE BOARD OF CHARITIES AND CORRECTIONS.

The duties by law imposed upon this Board are "to investigate, examine, and make reports upon the charitable, correctional, and penal institutions of the State, including the State hospitals for the insane, of the counties, cities and counties, cities and towns of the State, and such public officers as are in any way responsible for the administration of public funds used for the relief or maintenance of the poor in public institutions or of any of the inmates of said institutions." While this field of utility is a broad one, and abundantly justifies the continued existence of the Board, I think that it may well be further broadened to include a Children's Home Bureau, whereby every dependent child placed in a home other than its own may be visited, watched over and protected, and whereby homes may be found for such children as are free and fit to be placed in homes. Such a service should prove of incalculable advantage to dependent childhood, and an important source of economy to the State.

The management of county and municipal institutions is of scarcely less importance to the State than the management of State institutions. It has, in other states where prison management has far surpassed that of our own, been held to be true that the jails of counties and cities manufactured criminals faster than the State reformatories and prisons could redeem them to reputable living. The burden of pauperism in California, comparably rich and sparsely settled though the State is, is becoming grievous to be borne. It is as essential to the welfare of the commonwealth that local institutions and handling of public functions be looked after as that State institutions and public functions shall be, and I know of no agency better adapted to this service than the State Board of Charities and Corrections, being, as it is, non-partisan in character and entirely outside the main currents of political life.

CALIFORNIA AND THE EXPOSITIONS.

During the last four years this State has participated in two great expositions held in St. Louis and Portland, respectively. In each instance the display made was creditable and profitable to the State. At St. Louis the expenditures by the California commission were $129,148.13, being $851.87 less than the sum allowed by law to be expended. However, there were certain salvages, interest, and miscellaneous sources of income which enabled the commissioners to return to the State treasury the sum of $5,762.97 in cash. Besides this credit to the exposition fund, there were left in the hands of the commissioners, available for use at the Portland exposition, materials and fixtures of an estimated value of $12,480.85. In this exposition, as at Portland, California received a great number of grand prizes and gold and silver medals.

The fortunate results from the display made at St. Louis in 1904 prompted the Legislature to make an appropriation for the Lewis and Clark exposition in 1905. The amount appropriated for the former exposition had been $130,000, and for the latter $90,000 was provided. The law made the Governor sole commissioner, and as my assistants I selected Messrs. J. A. Filcher and Frank Wiggins, who had been the commissioners for the St. Louis exposition. The display of products made was admirable and challenged favorable comparison with displays made by any and all other states. Although the accounts in connection with the State's participation in this exposition are not quite all settled as yet, there will be a balance of about $4,000 to be turned back into the State treasury, and, besides, there are materials and fixtures left for use in some future exposition of the approximate value of $10,000. No scandal and no serious controversy marred the success of the State's participation in these two great expositions.

The Jamestown and Seattle Expositions.—At Jamestown, Virginia, during the present year there will be held a national and international exposition as an observance of the ter-centennial of the first settlement of this country. The United States Government and the governments of many states have arranged for participation in this exposition, which will possess many features of historic and industrial interest, and California has been urgently invited to provide for proper representation of her material products and of her contributions to the progress of civilization. The exposition management has set apart space for California, and it remains for the Legislature to say whether the State shall avail itself of the opportunity

presented. Believing that in the past the exhibitions made of our resources and products have been profitable to the State, as well as gratifying to the pride of all its citizens, I recommend participation in the Jamestown exposition and suggest the making of a suitable appropriation.

Another exposition will be held upon the Pacific coast in the year 1909, when, in the City of Seattle, the Alaska-Yukon exposition will throw open its gates. Although not fully informed concerning the plans for this exposition, I believe it will be important, and both for reasons of material profit to be anticipated and as a matter of courtesy to the State of Washington, I would urge participation by California. To that end I suggest some form of declaration of intention by the present Legislature, and also such an appropriation as will cover the cost of preliminary preparation. A further appropriation can be made by the Legislature of 1909.

DEPARTMENT OF PUBLIC HEALTH.

There is no department of State government that better deserves legislative support than the State Board of Health. The work it is now doing is of inestimable importance to the welfare of the people of the State, and yet it is doing but a small part of what could be done by it for the public good. Until recently there had been no adequate record kept of births, deaths, and marriages in this State. If for any reason it has been desirable to look up the antecedents of any person, or to trace any person to his grave to know of a certainty that death has taken place, it has been next to impossible to find a reliable record for the purpose. If the present Bureau of Vital Statistics shall be maintained, as it should be, both a full and an exact record can be found regarding births, deaths, and marriages. In the settlement of estates these records are invaluable.

The Board maintains a hygienic laboratory at Berkeley, by means of which pathological specimens are examined by experts for the benefit of physicians and health officers, making it possible to diagnose contagious diseases and so prevent epidemics and consequent sickness and death. Through its Secretary, other officers, and members, the Board has carried on an important public educational work throughout the State, has organized one State and two district health officers' associations, and has vitalized public interest in affairs which concern the physical well-being of the people. Much time and effort and a little money have been expended in keeping the streams of the State as free as possible from contamination, and so securing sources of pure water supply.

A pure food department is one of the imperative needs of the State Board of Health if it is to safeguard the public from fraud and from consuming deleterious substances. To make such a department effective California should enact a State pure food law supplementary to the National pure food law. With Nation and State working together for a common purpose, there is reason to hope for the doing away with an evil of gigantic proportions and lamentable consequences.

California needs, associated with its State Board of Health, a sanitary engineering office, with a competent sanitary engineer at its head, to whom may be referred all subjects connected with the sanitation of cities and towns and State institutions. As time passes systems of sewage disposal and sources of healthful water supply become increasingly important, and, unless competent advice can be furnished in such cases, mistakes will be made that will prove costly. Opportunities for educative work of incalculable value are here presented, and it is the proper province of the State to lead in educative work of this character.

Educational work is also needed along the line of remedying the physical deficiencies of children during the school age, and especially in relation to the deficiencies of dependent children cared for in orphanages. Many of these are handicapped for life for want of simple treatment given at the right time, and, for the lack of such treatment, paupers, criminals, and human failures abound where self-respecting and self-sustaining citizens would otherwise have resulted.

The profitableness of the expenditures here recommended to legislative attention may not be immediately visible in a decreased tax levy, but we may be sure that those profits will be realized along lines of lessened inefficiency, pauperism, and crime. I commend the needs of the State Board of Health to the attention of the Legislature.

PUBLIC EDUCATION.

There has been a large increase in school census children in our State since 1904. The total for that year was 407,398 between the ages of five and seventeen years. For 1906 the total reached 440,917. The gain of attendance at school, either public or private, does not keep pace with the increase in the number of children. During the year 1904 the number of those who had attended some school during the year was 355,746. The report for 1906 increased this number to only 364,950, a difference of only 9,104. This would seem to show that California is receiving additions to its population from people who do not appreciate the advantages which education affords.

The number of school census children who had attended no school at all during the year 1905 was 75,965, while two years before it was 71,652. If we say of the larger number that four twelfths are either between five and six years old, and therefore under school age, or between fourteen and seventeen, and therefore

above the age of compulsory school attendance, we still have in California more than fifty thousand children who ought to be in school, but are not there.

This is sufficiently startling to challenge attention, and yet it has only to deal with those who have not at any time during the year enrolled themselves in any school, public or private. When the crucial test of average daily atendance comes to be considered, the case becomes astounding. The average daily attendance at the public schools reported June 30, 1905, was 217,873. That year the number of school census children was 418,315. If we deduct from this the number accredited to private schools, 42,092, and assume that they all went to school every school day, we still have 376,223 to account for. Out of this number only 217,873 averaged as being in school, while 158,350 averaged out of school every day in the school year. In brief, only 58 per cent of the children accredited to the public schools in California are in school continuously.

It is not by the amount expended in school houses, or the sum annually expended in teachers' salaries, or in apparatus and supplies, that the value of a school system is to be determined. The supreme test is that of efficiency, and with the parents of 50,000 children utterly disobeying the compulsory education law, and the parents of 108,350 more children disobeying it partially, the standard of efficiency for 1905 was certainly not one to satisfy this State. I recommend legislation requiring incorporated cities and towns to maintain one or more attendance officers, for it is probably in cities and towns that the most serious dereliction of school duty lies.

The new law for the apportionment of State school money works well. In six counties out of fifty-seven it has wrought a decrease in the amount of State school moneys apportioned, but inasmuch as the loss sustained in such counties was effected by cutting off allowances for children who were never inside a school house, the injustice inflicted was more apparent than real. Of the $4,092,691.59 of State funds apportioned during 1906, the sum of $2,141,691.59 was apportioned on a basis of average daily attendance and $1,951,000 on a basis of the number of teachers allowed by the school census. The weaker counties and communities have been helped, and the stronger ones can not complain of being injured, for the reason that no injustice has been done them.

It will be of interest to note the effect of State aid upon the high school system of the State. The total number of high schools entitled to receive State aid June 30, 1903, was 143. June 30, 1906, the number was 159. The enrollment for 1903 was 17,473. For 1906 it was 28,075. The average daily attendance for the year ending June 30, 1903, was 13,689. For 1906 it was 21,397. The number of teachers employed in 1903 was 741. For 1906 it was 1,137. The number of graduates in 1903 was 2,074. For 1906 it was 2,813. The total expenditures for 1903 were $1,229,500.39. For 1906 they were $2,118,849.15. The total investment in high school property in 1903 was $3,353,646. In 1906 it was $5,093,014. State aid has increased the strength and efficiency of high schools rather than created a multiplicity of them, and it has helped a good work all along the line. It should be continued.

The University of California.—Our State University is a noble monument erected by the people of this State to the cause of education. It is the realization of the ambitions of the Pioneers of '49, who planned, even before California was admitted to the Union, in our first State Constitution a system of free public schools crowned by a great university. It is an institution of advanced learning, where the poor and the rich, the high and the low, can, and do, meet on terms of equality. With its free instruction, many poor young men and women, whose efforts will more than repay the State, in good citizenship and in dollars and cents, all the University has cost or ever will cost us, have been able to secure an education.

California, with only two millions of people, supports—one entirely and the other partially—two of the greatest of the educational institutions in the United States: the University of California and the Leland Stanford Junior University. No other State can boast of an equal self-sacrifice on the part of its people.

Some twenty-five hundred of the sons and daughters of California attend our State University, and the great cost of their instruction is cheerfully borne by the taxpayers. Yet, the buildings at Berkeley can well and conveniently accommodate only one half the number of our sons and daughters actually in attendance at the University. And many of the buildings in use are mere, cheap makeshifts, which the Board of Regents, bending to stern necessity, have been compelled to put up to house, even inconveniently and crowdedly, the army of young people whom the people of the State have put into its charge. Many of these buildings are rickety firetraps, housing collections, instruments, and apparatus which cost much labor, knowledge, and money to acquire. Yet, until now, the finances of the State have never been in such condition as to warrant sufficient enlargement of University quarters. Now, however, with the great increase in taxable property in this State, with a million dollars surplus at its command, I am of the opinion that, in addition to the many other calls that will be made upon its resources, the State treasury can find the means, without increasing the burdens of taxation beyond the normal, to make an immediate addition to the beginning made by the erection of California Hall toward properly housing our University. Private benefaction has done more than the State toward the realization of dignified, convenient, and proper educational domiciles for our University young people. The magnificent Mining Building, the gift of Regent Hearst, the Doe Library, the Harmon Library and Gymnasium,

and other smaller but no less appreciated gifts to the University, testify to the high esteem in which, by generous individuals, our institution is held. Only California Hall, among the many buildings erected by legislative appropriation, is now worthy of this great State and that great University.

One of the first buildings erected at Berkeley ought to be a building in which to house the College of Agriculture. California's wealth, prosperity, and fame rest largely upon her agricultural and allied interests. And these are important enough to warrant us in adding to the Davisville University farm and the Kearney farm, near Fresno, a great and necessary building at Berkeley devoted to agriculture and all that goes with it.

I therefore recommend to the Legislature that the sum of $500,000 be appropriated for the erection of a proper Agricultural Building at Berkeley.

University Farms.—The University farm at Davisville and the Kearney gift at Fresno should both receive the support of the State. Neither is unnecessary for uses to which they both may be put in the practical teaching of agriculture and all the industries connected with it, such as pomology, viticulture, dairying, and live-stock raising, all so necessary to the State's prosperity. To properly equip these two farms will require the erection of suitable buildings on each, the acquiring of machinery, tools, stock, and equipments of various kinds, as well as the employment of instructors, mechanics, and laborers. All this should be done intelligently, liberally, and well. I therefore recommend to the Legislature the appropriation of at least $400,000 for these purposes. No better use of public money can be made.

University Salaries.—I desire, while speaking of the University, to call attention to the fact that the salaries paid to the teaching force at Berkeley are, in many cases, only to be designated as niggardly, and in but very few even approaching a satisfactory standard. The limited funds at the disposal of the University and the great number of students who present themselves for instruction compel the Board of Regents to pay instructors and assistants, most of whom have spent years of time and thousands of dollars in qualifying themselves to teach California's sons and daughters, salaries that are, compared with the wages of mechanics and other skilled workmen, to say nothing of those occupying private positions of even less responsibility and importance than those who teach our young people, shamefully small. Many such men at Berkeley, men of standing and reputation in the world of letters, known throughout this country and Europe for their attainments, are paid eighty, ninety, one hundred, one hundred and fifty dollars a month. Such salaries as these are totally inadequate to recompense those to whom they are paid, nor can those who receive them live upon them in these times and enjoy those comforts of home and family which such people are, in simple justice, entitled to.

Even the professors and heads of departments in the University are not adequately paid. Comparisons with the professional salaries paid at other, but no better, universities than ours show how poorly paid, as a whole, our professors are. Harvard's minimum professorial salary is $4,000; and for each five years of service this minimum is increased $500, until a maximum of $5,500 is reached. Columbia and Chicago pay their professors $5,000 each, with $7,000 in exceptional cases. Stanford pays $4,000. Our professors receive $3,000, $3,500, and $4,000. Taking the difference of living expenses into account, Harvard's $4,000 is equivalent to at least $5,000 here.

It is a high tribute to the devotion to their professions of the men whom we have at Berkeley, and a high compliment to the standing and reputation of our University, when men of world-wide reputation, such as our professors are, will stay with us when, at other universities, they could receive equally honorable positions and higher salaries. California, in her present time of prosperity, is able to pay the University teaching force somewhere near adequate salaries; and, being able, she ought to do it. I therefore recommend to the Legislature that the appropriation for the salaries of the teaching force at the University be increased at least twenty-five per cent.

Public School Teachers' Salaries.—The members of the faculty of the University are not the only people connected with our educational system who are underpaid. For the teachers in our public schools, who receive from sixty to eighty or ninety dollars per month, are very much underpaid.

We should have, for the teachers in the public schools, the very best talent obtainable. Teaching, like the practice of medicine, law, or theology, is a profession, and its practitioners should be trained as doctors, lawyers, and preachers are. This training requires years of time and large sums of money to acquire; and, like all other professional people and those who learn trades, our teachers should regard their work as a life work. Now no person should be expected to take up a life work which will, as in the case of our teachers, yield a maximum salary of only ninety or one hundred dollars per month.

Almost any active, intelligent man or woman can earn more money in private employment than our teachers do. The natural result is that too many of our best teachers, especially men, are deserting the schoolroom for other employments. We need more men teachers, and all our teachers ought to be more contented with their positions than they can be with the salaries we pay them. In almost all private businesses there is an opportunity to gain better salaries by closer application and

years of service. The opportunities to do this in the school department of this State are not very many; and, when gained, the rewards are not very great.

I therefore recommend to the Legislature the amendment of the school law so that the pay of teachers shall increase a certain fixed sum, say ten dollars per month, at intervals of, say, five years of continuous service. By this means long service will give promise of greater returns, and, in this way, better inducements will be held out for the ambitious to take up and remain in the profession of teaching as a life work.

SALARIES OF STATE OFFICIALS.

On several occasions I have called attention to the totally inadequate salaries paid to State officials. Even the Governor, with $6,000 per year, a house to live in and $2,500 per year toward its support, and traveling and other funds at his disposal, is unable to make both financial ends meet. But a State Treasurer, whose bond alone is $100,000 and costs $300 per annum, is paid but $250 a month as recompense for the great responsibilities he has to assume. The Secretary of State, with the many and varied duties of his most important office, is also paid but $250 per month. The State Controller, also a very important and necessary official, receives a like salary of only $250 per month. The Attorney-General, the legal counselor and adviser of the State, with its vast and multifarious interests, is paid, like all the others, only $250 per month. So, also are the State Superintendent of Public Instruction, the head of our great public school system, and the Surveyor-General. In private businesses, much smaller than that of the State of California, similar positions are accompanied by salaries twice, even thrice, as great.

It is true that it costs a large sum, a very large sum, of money to run this State government. But its great cost does not arise from the salaries paid its elective officers.

I desire, also, to call the attention of the Legislature to the fact that it is already very difficult, and rapidly becoming impossible, to secure and retain efficient skilled, or even unskilled, help at the hospitals and other State institutions. When the mechanic, even the unskilled laborer, receives, at private employment, three, four, five, six, and eight dollars per day, the State can not expect to retain the services of skilled and competent persons for one, two, or three dollars per day. I therefore recommend that sufficient money be appropriated to secure, at the State institutions, by means of better pay, the willing services of skilled and competent employés.

SAN JOSÉ AND LOS ANGELES NORMAL SCHOOLS.

The main building of the State Normal School at San José was rendered wholly unfit for use by the earthquake of April 18, 1906. This building, utilized for the Normal School proper, was of brick. The children's training school is of wood and has been put in a thorough state of repair and safety at an expense of about $5,000. Competent architects and engineers have examined the main edifice and report that it should be taken down, discarding even the foundations, and an entirely new structure erected in its place. Such new building should be built of nothing less stanch and durable than a steel framework and concrete curtain walls. It is probable that such a structure will cost as much as $250,000, and I recommend that the Legislature make this appropriation. The school is now being conducted in temporary buildings, and no time should be lost in proceeding to reconstruction work.

The State Normal School buildings at Los Angeles were repaired at a cost of $40,000, and there is no pressing need of replacing these buildings with others. The site occupied by these buildings is of great and increasing value, and it is as valuable for the State to hold as it is for private or corporate ownership. It is only a question of time when the State will desire to erect buildings in Los Angeles for the accommodation of its courts and other offices, and when that time comes no better site can be found than that now occupied by the State Normal School.

THE STATE PRINTING OFFICE.

During the last two fiscal years the State Printing Office was operated at a gross expense of $572,319.21, and if the cost of new equipment be added, the total expenditure has been upwards of $600,000. Of this sum nearly $300,000, or one half, represented the expense of manufacturing school text-books, which, being sold, returned their cost, or a little more, to the State. The printing executed for the different departments of the State government, including the University, cost $180,102.60, and $92,443.66 was the cost of printing for the Legislature. The number of school books manufactured during the fifty-sixth fiscal year was upwards of 400,000, and during the fifty-seventh year upwards of 550,000. Few persons are aware that the State government conducts the largest book manufacturing business on the Pacific Coast and the only large school-book printing establishment west of Cincinnati.

Public printing is a rather serious problem for all State governments as well as for the Federal Government, and one of the most frequent complaints is the excess of cost as compared with private printing. An expert who had made inquiries in different parts of the country asserted recently that public printing cost from two

to ten times as much as private printing. The cost of printing done in the California State Printing Office is high, but a comparison with other public printing establishments would probably result favorably to ours. As the best way to reduce the cost of work I have favored the equipment of the office with the most improved machinery in the form of type-setting machines, presses, folders, automatic feeders, and bookbindery machines. This has been accomplished, and the office is now so well equipped that in the school-book department the cost of the work has been sensibly diminished, and during the year 1907 it should be possible to further reduce the prices of the school text-books, although they are already lower than retail prices of corresponding books produced elsewhere by private publishers. The apparent assets in the school-book department of the office increased in three years and a half under Superintendent of State Printing Shannon from about $130,000 to approximately $340,000.

The State Printing Office plant is too valuable to be much longer housed in the present unsafe building in the Capitol park: a suitable building should be erected at some other place in Sacramento, nearer to the river and the railroads, so that incoming and outgoing freight may be more cheaply handled.

COÖPERATION OF STATE AND NATION.

In my inaugural address of four years ago I called the attention of the Legislature to the pressing need of protection for the forest and water interests of this State and advised coöperation on the part of the State with the United States in these matters. The Legislature of 1903 appropriated $60,000 to be expended in collaboration with the several departments of the National Government engaged in this kind of work, with the express understanding that the National Government would expend a like sum for the benefit of California, the work to be done by the Government's trained experts. This has been done, even in excess of contractual requirements, and the work is still progressing. The Legislature of 1905 appropriated $76,000 more to be devoted to the same ends. This work has been, and is now being, done mainly along the following beneficial lines:

1. *Topographic.*—This work has been prosecuted by a department of the United States Geological Survey and has consisted, mainly, in surveying and mapping the physical features of the west side of the Sacramento Valley from Iron Cañon, above Red Bluff, to Suisun Bay. Contour lines have been run at intervals of five feet difference of level and the work will be completed on the west side by June 30, 1907, and within the present appropriation. The results of this work are being accurately mapped and printed for distribution by the Government at Washington. This work will, by June 30, 1907, have cost the State $50,000, and the National Government an equal sum. It is estimated that it will require four years more and an expenditure by the State of $80,000, to do a similar work covering the east side of the Sacramento Valley. It is of great importance to the State, and I recommend that this expenditure be made and that the coöperative topographical work be continued until the entire State shall have been covered.

2. *Hydrography.*—The area of land in California suitable for irrigation is easily ascertainable. Not so the supply of water for the irrigation of that land. A part of the coöperative work under consideration has been the making of an exhaustive study in order to determine the quantity of waters in California both above ground and below available for irrigation and the generation of power. Many of our principal streams have been, and are being, carefully gauged. More than seventy gauging stations have been maintained, but the work needs to be extended over a period of years to make the results of permanent value. Careful investigations are being made into the extent and probable permanency of subterranean water-bearing strata throughout the State. The importance of this work may be judged from the fact that two thirds of the irrigated area in Southern California is now being supplied with water by irrigation from wells, and that the single community of Pomona has $565,000 invested in pumping plants. One fifteenth of the entire expenditure of the United States Government for this kind of work is being expended in California. Our State Legislature has appropriated $35,000 to carry on this work for the four years ending June 30, 1907, and it is estimated that it will require $25,000 as the State's share for carrying on the work the next two years, the increase to be devoted to investigations of underground waters. So far, only one third of the expenditure has been devoted to this work and two thirds to investigations regarding surface waters. I earnestly recommend that this appropriation of $25,000 be made.

3. *Hydro-Economic Investigations.*—The determination of the quality of the waters used for domestic supply for cities and towns, and for manufacturing and irrigation, is of equal importance with that of the available quantity. The State's contribution to this branch of the work has been small, only $1,000 having been set apart for it during the last two years. The United States Government has, in this particular, expended two dollars to California's one, and wholly for California's benefit. It has been found that certain streams are contaminated by certain of their tributaries and not by others, but to trace the source of such contamination to its head is a work of some magnitude, inasmuch as sample waters must be taken from streams each day in the year and carefully analyzed. To prosecute this work effect-

ively the Legislature will be asked to contribute $2,000 a year for the next two years, the General Government contributing a like amount. This appropriation should be made.

4. *Irrigation and Drainage Investigations.*—This branch of the coöperative work has been undertaken in collaboration with the United States Director of Experiment Stations, and is most important to California. Next to the quantity of water available, and the quality of it, must be ranked its economical use, for only by economy in use can all the arid lands of our State be finally brought under successful tillage. This investigation has covered the wasting of water by irrigating communities and methods of preventing such waste, the duty of water where it is being used economically and otherwise, the rates and conditions governing evaporation and percolation in handling water for irrigation, the cost of pumping under differing conditions and with different appliances and powers, and the drainage of surplus irrigation and other soil waters for their conservation and for the reclaiming and preservation of soils. For this branch of coöperative work the State has contributed $25,000 for the four years ending June 30, 1907, the Government contributing an equal sum for the same work. The Legislature will be asked for $10,000 a year for the next two years for continuing this important work, and I recommend that the appropriation be made.

5. *Forestry Coöperative Work.*—When this department of coöperative work was undertaken California had no general forest policy and had made no beginning toward having one. Under coöperative endeavor with the United States Forest Service, the forestry resources of the State were carefully surveyed, methods of conserving our forest resources were studied by expert foresters, our best timbers were subjected to scientific tests touching their utility for commercial purposes, and so were trees grown here but imported from foreign lands. The effects of fires and of grazing timbered lands were carefully and even exhaustively noted, and methods were studied and experiments made in reforesting burnt and cut-over areas. Finally, a forestry policy for California was elaborated and presented to the last Legislature, which enacted forestry laws making at least a beginning toward an ultimate forestry system for our commonwealth. This has about completed the coöperative forestry work for California as originally outlined, and no appropriation will be asked for this department of work for the next two years. The total cost of this branch of the work, so far as appropriations have been made during the last four years, has been $25,000.

OUR STATE FORESTRY SERVICE.

The Legislature of 1905 made the Governor, Secretary of State, and Attorney-General ex officio a State Board of Forestry, and authorized the appointment of a State Forester with two assistants. An appropriation of $17,600 was made to defray all of the expenses of the forestry work for the succeeding two years. This was, confessedly, a beginning, and only a beginning, looking toward the ultimate evolution of a comprehensive and efficient forestry service for the State. The forestry act was essentially coöperative in its spirit and comprehended coöperation with the Forest Service of the United States Government so far as practicable, coöperation with the respective counties of California, and coöperation with corporate and private forest owners in a united attempt to protect alike the forestry property of the Nation, the State, and individuals from destruction by fire, in renewing deforested areas, and in generally advancing forestry interests.

There is an increasing demand for reliable information as to the renewal of forests when cut-over, as to feasible methods of making trees grow where they do not now grow naturally, as well as how best to conduct a lumbering business without destroying the reproductive powers of timbered areas. But the resources placed at the disposal of the State Forester are wholly inadequate to the attainment of these ends. His own time, and that of his assistants, is chiefly taken up with routine work in striving to secure coöperation along lines of fire protection rather than tree planting and forest renewal through aiding natural processes. The service needs more money and more technically trained assistants in order to meet demands that are legitimate and insistent. Technically trained foresters can not now be obtained, so great is the demand for them the whole country over, for less than $1,800 per annum.

For forest protection 367 fire wardens have been appointed by the State Forester. Of these 103 were paid by the several counties coöperating with the State Forest Service, 128 are being paid by the United States Forest Service and are mainly forest rangers guarding National forest reserves and parks, and 136 are paid by corporate or individual forest owners, or are serving without compensation and therefore without the best results. During the danger season of 1906 there were reported as many as 120 forest fires, which burned over a total area of 650,000 acres, destroying forest property of immense value. Forest wardens reached and aided in extinguishing 75 of these fires, but there can not be an adequate protection of the forests without the employment, during the season of danger, of at least twenty district fire wardens for the proper organization of their respective districts for coöperative fighting of fires. Such wardens will each cost $90 per month, and expenses, during the danger season, but will save to the tax rolls of their respective districts many hundred times their cost. The price of lumber in the open market is a forceful

reminder of the necessity for a more adequate forest protection in this State. During the past season twenty-four arrests were made under the forest laws, sixteen of the resulting court cases have been disposed of, and fines to the amount of $425 have been imposed and the money covered into the State treasury to the credit of the State Board of Forestry. It would be conducive to greater efficiency on the part of counties coöperating if half the amount of fines imposed and collected were covered into the forest funds of the counties wherein such convictions are had.

The present forestry law, and code provisions in conflict therewith, should be so revised by the coming Legislature as to eliminate inaccuracies and ambiguities. It is estimated by the State Forester that an efficient safeguarding and advancing of the forestry interests of California will necessitate an appropriation of $30,000 per year for the support of the State Forest Service, and, in the light of the destruction heretofore wrought in California's forested areas, once regarded as inexhaustible but now sadly depleted, I am of the opinion that the Legislature should make such an appropriation. Not only are our lumber interests involved, but our irrigation and drainage interests as well. A good beginning has been made, but let it not remain merely a beginning. There is too much at stake to permit of any hesitancy on the part of the State.

LANDS REVERTING TO THE STATE.

As a consequence of the present laws in regard to the sale of property for non-payment of taxes, the State is acquiring a great deal of more or less valuable land, and an intelligent policy in regard to the disposition to be made of it is urgently needed. An investigation recently undertaken by S. J. Flintham, of the United States Forest Service, who worked in coöperation with the State Forester, resulted in the discovery that there was in certain counties an aggregate of nearly half a million acres which had not only been sold but deeded to the State for unpaid taxes. The scope of this investigation included only the counties containing forest lands and a few other counties in the south where forest-tree planting is being encouraged. The total area for the whole State is, of course, considerably larger and is being added to annually.

In some counties the removal from the assessment roll for taxes of the great extent of lands which has been sold to the State is becoming a serious evil. As a means of lessening the same the Legislature of 1905 passed an act permitting the acquirement, under certain conditions, by purchasers from the State, of tax-delinquent lands for a sum less than accumulated taxes and interest, but it is a question whether this law does not work an evil by encouraging many persons to let their taxes go delinquent in the hope of buying their property back for less than the taxes would have amounted to. In a good many instances lands sold to the State for unpaid taxes continue to be occupied and used by the former owners, and there are even instances where valuable mines continue to be worked after having been sold and deeded to the State. The temptation to this form of speculation is increased by giving unlimited right of redemption of tax-delinquent property up to the time when the State has actually sold it.

As a beginning for the needed remedy I suggest that the law be amended to terminate the right of redemption six months after the land is deeded to the State. This would still give property-owners five years in which to redeem—as a deed to the State is not given until five years after the first sale for non-payment of taxes—and that period is believed to be amply sufficient. A considerable portion of the tax-delinquent lands—more than 180,000 acres—is located within the boundaries of United States forest reserves and national parks, and it is believed that the Federal Government would acquire these lands and give in exchange other lands situated outside of said reserves and parks. But it would hardly be profitable to the State to make the exchange until after our land laws have been so amended as to keep enterprising speculators from snapping up at $1.25 per acre any lands of value which might be acquired by the State in this way. To that end I suggest that there be created a board of control, to consist of the Governor, Controller, Surveyor-General, and State Forester, empowered to appraise, sell, exchange, or reserve, subject to court review, these lands, as may be deemed most advisable in each instance. One of the advantages of such a system would be that timbered lands which ought to be reserved for the benefit of watersheds could then be protected. The Legislature could not have for consideration a more important subject than this, and I respectfully urge action along the lines proposed.

SIXTH DISTRICT AGRICULTURAL ASSOCIATION.

On August 17, 1904, there was commenced in the Superior Court of Los Angeles County an action by the Sixth District Agricultural Society against a number of individuals, who, it was claimed, were unlawfully in possession of the fair grounds, and claimed the title thereto. The complaint alleges that the Sixth District Agricultural Society holds the title to the fair grounds upon a trust to use them for maintaining agricultural fairs and for public exhibitions of live stock, and that the defendants had associated themselves together for the purpose of asserting ownership to the property and of diverting the rents and profits thereof to their own use.

The controversy thus brought into court had its beginning as early as the year

1883, when some of the defendants in the above-mentioned action and the predecessors in interest of other defendants instituted an action affecting the title to the fair grounds, in which action the Sixth District Agricultural Society intervened, with the result that a judgment was had confirming the title in the Society and ordering certain conveyances to be made to perfect the record.

In the year 1897 a second attempt was made to obtain control of the property by substantially the same group of persons who had made the previous attempt. Having organized an association designated as "District Agricultural Association No. 6," they elected under the provisions of a statute passed in 1895 to have a capital stock and distributed the shares among themselves and others making like claims. The first board of directors of this corporation comprised a majority of the directors of the Sixth District Agricultural Society. Proceeding under the Act of 1895 this new association took possession of the fair grounds, and ever since has exercised ownership over them for the individual profit of its stockholders.

This was the state of affairs when, in the year 1904, new appointments to the board of directors of the Society were made and the control of its affairs came into the hands of a majority disposed to contest the claims of the new association. As stated above, the suit in court to determine the controversy was commenced in August, 1904. A judgment has been recently rendered in the case which establishes the title and right of possession in the Society, and in addition declares that the defendants are accountable to the Society for rents and profits in the sum of $5,584.

Among other things the court finds as follows: "That there is not, and there never was, any such corporation as 'District Agricultural Association No. 6,' and that no such corporation ever in fact or of right issued any certificates alleged to be certificates of stock. That the attempt to form such corporation was without the authority of law, and that the acts whereby the defendants and their associates attempted to form said corporation, and their acts in attempting to create a capital stock and to issue so-called certificates of stock, and their acts purporting to elect directors, and all other proceedings taken by said defendants and their associates in connection therewith, were and are a mere pretense, sham, and wholly without right, and were taken by defendants and their associates as a pretext for and in pursuance of a scheme for obtaining the said property of the said Sixth District Agricultural Association and converting and using it for their own use, profit, and gain, and diverting it from its lawful and proper purpose and uses."

This tract of land, now lying in the City of Los Angeles, is worth several hundred thousand dollars, and the State should intervene strenuously to resist every effort that may be made to take it from her. As shown above, the Superior Court, after a long and exhaustive trial of the case upon its merits, has decided that the property belongs to the State. Only a finally adverse decision of the court of last resort should cause the State to relinquish to any individuals this valuable property. It is more than probable that an attempt will be made at this session of the Legislature to so modify the law under which the State now holds the property as to make it possible for the adverse claimants to gain possession of it. All such attempts should be frowned upon, and nothing should be done or be permitted to be done that will, in any way, weaken the State's title to the land. I commend this important matter to the especial attention of the Legislature.

THE STATE CAPITOL.

At its last regular session, upon the recommendation of architects employed by it, the Legislature made an appropriation of $352,925 to remodel and improve the interior of the State Capitol building. The report upon which the appropriation was based called for the adding of a fourth story by lowering the ceilings of the Senate and Assembly chambers; for new heating, ventilating, lighting, and plumbing systems; for two electric elevators, for the removal of the wooden roof-trusses, and for other extensive changes calculated to render the building more nearly fireproof.

The improvement work is now well on its way, considering the setback caused by the San Francisco disaster, and when completed the building will be as comfortable and convenient as the most modern office structure. This end is devoutly to be wished, the present improvements having been long needed. Although the Capitol was a magnificent building when it was erected, little has been done in the last thirty-five years to replace the original primitive conveniences with more modern ones. The plumbing system, in particular, is bad, and the heating and ventilating facilities are of an antiquated type.

If it be found, upon investigation by the Legislature, that additional appropriations are needed to complete and beautify the interior of the Capitol, I recommend that such appropriation, if possible, be made. With the work still in progress, there can be no doubt that further improvements can be made at the present time with much less expense to the State than at any future time. In comparison with the cost of similar buildings in other states, the expenditures required at this time, added to the original cost of the State Capitol, make a very modest total. The State of California should take pride in having its most important public building reflect the wealth and the refinement of its citizenship.

RAILROAD RATE DISCRIMINATIONS.

The practice of rate discrimination on a wholesale scale by railroads in California has been revealed through an investigation of the transportation of oil

which was recently completed by the Commissioner of Corporations of the Department of Commerce and Labor of the United States. This is a serious evil, menacing the very existence of many business interests, and calls for a remedy which at present our State laws fail to supply. One of the worst features in the situation is that most of the discrimination has been practiced in favor of the gigantic trust known as the Standard Oil Company and against competing companies representing California enterprise and capital, many of which competing companies have been already crushed out of existence.

When great oil discoveries were made, a few years ago, in the Kern River and other districts, a large number of companies was organized and capitalized to carry on the production and refining of oil and the allied industries. For a time many of these companies prospered and their enterprising promoters were in a fair way to reap the reward of their efforts. But the Standard Oil Company came into the California field, and since then scores of independent oil industries, as if stricken by a deadly blast, have withered and died. The report published by the Commissioner of Corporations upon his investigations shows how this changed condition has been brought about.

The Standard Oil Company has pursued in California the same practice which it has adopted elsewhere of securing special tariffs and rebates for the double purpose of gaining extraordinary profits for itself and driving its competitors out of business. In this, the Southern Pacific, the Santa Fé, and several other railroads appear to have been willing instrumentalities in the hands of the trust.

Some Details of the Discriminations.—A hundred pages of the report of the Commissioner are devoted to a description of the various devices by which injurious discrimination is practiced. The payment of rebates to favored shippers—generally the Standard Oil Company and its allies, the Pacific Coast Oil Company and the Associated Oil Company—has played a large part, and the employment of secret rates has been the next most common practice. The investigation "developed the existence of more than eighty different deviations from published tariff rates on oil in California." A list of all these discriminations is given in the report, from which it appears that many of these discriminations are in rates from Bakersfield, a considerable number from Richmond, and others from Los Angeles and other points.

In California fuel oil is generally sold to manufacturing plants and other large consumers on contracts running for a year or longer, and the margin is so close that even a small difference in transportation rates is likely to turn the scales in favor of one competitor in the trade and against another. But the advantages in rates given to the Standard Oil Company and its allies were not always small ones; they were often large in amount. To quote Commissioner Garfield: "Again and again the bid prices of independent crude oil producers, based on the full tariff rate of freight, indicate that they would have underbid a favored competitor had they been given the secret rates that he obtained." While the published tariff rate of the Southern Pacific Company on shipments from Bakersfield to Redding, Red Bluff, Keswick, and other points in the northern portion of the State was 2 cents per gallon, the Standard Oil was shipping at 1.4 cents. This discrimination amounted to 25.2 cents per barrel, and enabled the Standard to make a handsome profit while shutting its competitors out of the trade.

In one instance the Standard Oil Company contracted to sell oil in Redding for 79 cents per barrel, when for competing companies the freight alone cost 84 cents a barrel. From Richmond, where its principal refinery is established, to Keswick the Standard Oil was given a secret rate of 46 cents per barrel, while from other points around San Francisco Bay where rival refineries had been established the rate was 84 cents. From Richmond to San José, a distance of 55 miles, the railroad company shipped oil for the Standard Oil Company at the rate of $1.20 per ton, while from Stockyards to San José, only 45 miles, a rival company paid $2 per ton. At a time when the Santa Fé Company's published rate on oil from Redondo to Los Angeles was 10 cents per hundred pounds, the Standard Oil Company was allowed to ship for 4 cents, and even this discrimination was afterwards increased. From Bakersfield to San Diego the Santa Fé gave to the Associated Oil Company a rate which meant a discrimination of more than 42 cents per barrel.

Other Devices to Hamper Producers.—The foregoing are a few out of many instances of injurious discriminations in favor of the trust and against the independent producers; but rate discriminations were only one of a number of means employed to harass or destroy independent producers, as demonstrated by the Commissioner of Corporations. One of the most potent means used for their discouragement has been the failure to furnish them cars when needed. Several years ago most of the oil cars in use in California were owned by a subsidiary company of the Standard Oil, and when the latter came into the California field these cars were withdrawn. The railroad company could or would not supply others, and the independent oil producers, being unable to guarantee deliveries of oil, were reduced to distress. The Standard and its allies could guarantee deliveries with little or no fear of car shortage. Some of the enterprising competitors bought or built cars in the East, but the railroads refused to haul them, and compelled the owners to sell or rent them. Evidence is presented to show that when the car

shortage was at its worst, large trains of oil cars were standing in railroad yards marked "Hold" or "To be held."

Under such intolerable conditions as these, it is not strange that most of the independent producers and refiners have been driven to the wall, and the only wonder is that so many of them survive as really do. But unless they are given the protection of the law in some better manner than that in which it has been afforded hitherto they will all be reduced to helplessness and the sway of the oil trust in California will become absolute.

Legislation is Needed.—All of the discriminations and other improper practices before described have occurred in connection with commerce within the State of California, and therefore do not constitute a violation of the laws of the United States. It is not within the power of the Interstate Commerce Commission to deal with these particular abuses. But the Legislature of this State can provide remedies, or a least can supply the means to punish those who are responsible for the evil. At present there is a most remarkable absence of statute law on the subject; although the State Constitution contains a stringent provision forbidding just such discriminations as have been described.

Section 21 of Article XII says: "No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming or going to any other State."

Nothing could be clearer or more positive than that constitutional declaration, but although another section says that "the Legislature shall pass all laws necessary for the enforcement of this article," it has failed to do so in the matter of rate discriminations. The Constitution itself provides no penalty for violation of the prohibition of discriminations, and no statute on the subject can be found. It is true that Section 489 of the Civil Code purports to fix maximum rates, but the Supreme Court has intimated that this is no longer in force, and it does not touch upon the subject of discriminations. Consequently, as matters now stand, any railroad which chooses to do so may, in spite of the absolute prohibition by the Constitution, proceed to practice such discriminations in intrastate commerce as could not be practiced in interstate commerce without inviting the severe penalties of the Federal law. These discriminations may be carried even to the extent of destroying independent business concerns and aggrandizing the trusts, and bring down no legal punishment on the heads of the authors of such acts. There is crying need of a punitive law, and I call the subject to the serious consideration of the Legislature.

TRUST METHODS, AND A REMEDY.

It is not solely by securing unfair discrimination in transportation rates that the Standard Oil Company and other trusts are enabled to destroy competition, and, after having done this, to oppress the great mass of consumers, as they had previously oppressed rival producers. By the very weight of their capital and the extent of their credit they make competition difficult, and when, by the adoption of unscrupulous commercial methods, they push their advantages to the limit, they become a serious menace to many industrial interests. In other states these conditions, some time since, reached the stage which justified government intervention so far as government could intervene on grounds which would be legally and economically sound.

California has had too little development along commercial and manufacturing lines until very lately to call for the attention of trusts and cause them to ask and receive such railroad rate and other discriminations as in the East first created great trusts and then gave them the further power to ruthlessly crush out of existence their business competitors. Our climatic and other conditions are such as to enable our people to produce much more per capita than those of other states and countries. Our first production was gold; our second cereals; our third was, and is, citrus and deciduous fruits. Our manufactures are just beginning to be developed. If allowed to compete on equal terms with those of other states, if given the opportunity, free from the "strangle-hold" of transportation discriminatory rates and other trust methods, our State's manufactures, in the hands of our people, will soon develop into magnificent proportions. The fate of our oil producers, driven to the wall by the foreign Standard Oil Company by means of favorable transportation discriminations, teaches us that we are in danger of having any and all home industries which may assume considerable proportions taken from our people and given over into the hands of foreign trusts by our railroads, which are dependent upon us for their existence and the colossal fortunes which, from us in part, they are making for those who have them in charge.

For these reasons the control and regulation of industrial trusts is a subject which deserves to engage the attention of the Legislature during the present session. In this connection I desire to direct special attention to the anti-discrimination law adopted in Kansas two years since, and which is so entirely sane and evidently just that it appears to be a model for California and other states. It is directed against one of the most common practices of the trusts, consisting in selling the same products at high prices when no competition exists, and at other times, or in other places, at prices so low that competition is speedily crushed out. The

law in question provides that it shall be adjudged "unfair discrimination" and a penal offense if any person, firm, or corporation shall intentionally, for the purpose of destroying the business of a competitor in any locality, discriminate between different communities by selling a given commodity at a lower rate in one place than in another, after making due allowance for difference in cost of transportation or manufacture. The offense of unfair discrimination thus created is made punishable by a fine of from $500 to $5,000, and contracts made in violation of the law are declared void.

It is not conceivable that such an act as is above described would do injury to any legitimate interest in California, and it could be made to put an end to some of the competition-wrecking operations which the trusts are accustomed to carry on. In the oil investigation conducted by the Commissioner of Corporations, it was learned that the Standard Oil Company resorted to discrimination in prices as a weapon against its strongest competitor, the Union Oil Company, and the latter was forced into an agreement to sell to its rival all the refined oil it should make and cease to compete in that branch of the business. This is an example of the iniquitous trust practices which can not be punished by any law now on our statute books, but could be reached and stopped by such a law as is here proposed.

THE STATE RAILROAD COMMISSION.

The regular biennial report of the State Board of Railroad Commissioners will be laid before you, and from it you may be able to determine whether the usefulness of this branch of the State government is great enough to justify the expense it involves. It is a matter of common knowledge that for a good many years the amount of business transacted by the board has been small and that few persons who consider that they have suffered grievances at the hands of the railroads manifest a disposition to submit them to that tribunal. I have caused an examination of the minutes of the board to be made, and from this it appears that during the last two years about a dozen more or less trifling complaints were all which were brought to the attention of the Commissioners; the authors of these complaints generally dropped them when called upon to make a formal showing, and in all that time there has not been a single contested case calling for the taking of testimony and the hearing of arguments. In short, the board has, practically, done no business, because it has no business to do. Its main function is supposed to be the fixing of transportation rates, but it has fixed no rates, unless it be upon an agreed basis, for a long time past. Even the compilation and publication of the railroad statistics of the State, which was formerly done with some thoroughness, has been abandoned in recent years, and when, not long since, one of the leading railroad companies asked for a compilation of railroad laws and decisions in California, the Commission answered that it could not be furnished because of lack of funds.

The railroad commissions of some of the other states are kept continuously busy with a variety of useful work, though in most cases they have less power in regard to the fixing of rates than has the California Commission. They are charged with such duties as regulating grade crossings, inspecting the trackage, bridges, and equipment of railroads in the interest of public safety, investigating the causes of disasters in which loss of life occurs, and examination of railroad accounts. The New York and Massachusetts Boards of Railroad Commissioners, for example, are required by law to keep informed on such matters and be prepared to make recommendations concerning the physical condition of all railways and their equipment and the degree to which their train service affords reasonable accommodation to the public. They are also required to investigate all accidents involving loss of life, if in their judgment an investigation is needed.

By the framers of our Constitution it was doubtless expected that the California Commission also would be a busy, working commission, and an administrative authority, rather than a court of appeal; but they failed to assign to the board these additional duties imposed on other state railroad commissions, and it is at least questionable whether the field of duty defined by the Constitution can be enlarged by statute. But it is plain that if the California Commission can not be made more useful than it is it should be abolished, and I recommend that the Legislature consider the advisability of submitting a constitutional amendment to that end.

REGULATION OF INSURANCE COMPANIES.

The experiences of many of those who held insurance policies on property destroyed by the fire of April 18 to 21, 1906, teach us that some legislation is necessary in order to protect the insured in this State from the dishonest methods which certain insurance companies adopted in the settlement of their losses. The paying of premiums ought to insure the payment of the losses which the insurers contract to pay. The average insured has no means of ascertaining whether or not the insurance company which solicits his risks is financially sound or conducted by honest men. The State should protect the insured by insisting that all companies doing business here shall pay any losses that may occur under their policies. Too drastic legislation, however, will defeat the very thing aimed at; it will so hamper business as to keep out of the State many solvent, honest companies.

It has been suggested that the State shall require the deposit of a large sum

of money as an evidence of good faith and ability to pay. To be of any real protection in cases of great catastrophe, when protection is especially necessary, would require a very large deposit. Other states may make the same requirement, with the result that most, if not all, companies would be able to do business in not more than one or two states. The more insurance risks are distributed, the less apt is bankruptcy to follow a localized catastrophe.

Any legislation, therefore, which will tend to limit the field of activities of insurance companies would be undesirable. If, however, the Insurance Commissioner of California were empowered by law to refuse to admit to this State any company which does not keep on deposit, in the hands of a trustee, on conditions imposed by this State, a sufficiently large sum, either in money or bonds, the objections to the requirement of a deposit in this and any other states might be overcome, and, at the same time, a reasonable guarantee might be secured. If this trustee were some well-known and safe financial institution, not necessarily in this State, and if the conditions imposed by this State concerning the purposes and uses of this deposit were such that it would protect, not only California, but other states, it is not at all improbable that the other states in which the depositing company does business would, by law, accept such a deposit as a means of also protecting their citizens.

One thing, however, that seems absolutely necessary to protect the insured in this State is a standard policy form, which should be simple, concise, and exact. Such a standard policy should not contain any provisions which will in any way enable the company issuing it to rid itself of its obligations on account of the indirect effects of "an act of Providence." A fire loss resulting as the indirect or even the direct result of an earthquake should not lessen the claim of the insured upon the insurer; nor should the immaterial injury by any cause of any insured property lessen the responsibility of the insuring company.

If it be considered necessary to permit the addition of "riders" to the standard form of policies, it should be provided that the form and wording of these additions to the policies should receive the approval of the Insurance Commissioner and be printed in the policy in red ink and in antique style type not smaller than small pica, and, finally, in order to become effective, should be signed by the insured, thus making him a presumably willing and cognizant party to the contract thereby created.

Whatever may be said in favor of mutual insurance, which, ordinarily, must be local in its character and extent, it is safe to say that had San Francisco fire risks been carried in such companies there could have been no fire losses paid in that city. For all, or a large proportion of the insured, who would also have been the insurers, having lost all their insured property, the ability to pay the losses would have been destroyed. Any mutual insurance legislation should take cognizance of this lesson taught by the San Francisco disaster, and should provide that risks shall not be assumed where such massed losses may occur.

THE NATIONAL GUARD.

Experience in all the wars that this country has ever had teaches that it is necessary to have either a trained citizen soldiery or a large standing army. The latter, for many reasons, we do not want, and, if it be possible to avoid it, we must not have. Recognizing the necessity for a serviceable National Guard from which to recruit its armies in time of war, the Government of the United States annually appropriates large sums of money toward its equipment and training. But in order that this governmental aid shall be continued, to say nothing of being increased, it is necessary that the State shall do its part toward properly sustaining our National Guard, which is composed of our young men, who, without personal recompense, spend their own time and money in learning military drill and tactics.

I again call the attention of the Legislature to the service rendered by the National Guard of California during the time of San Francisco's great distress. I also call legislative attention to the need of the National Guard for proper armories, which other states, recognizing the necessity for their state troops, have erected. The money now spent in renting armories for our National Guard amounts to a high rate of interest on the money it would cost the State to erect them.

I therefore strongly recommend to the Legislature the appropriation of sufficient money for the erection of suitable armory buildings in all the cities in this State where there are two or more companies of State troops.

In addition thereto, I also recommend, in accordance with the request of the Adjutant-General, the appropriation of sufficient money to properly maintain the National Guard of California.

LABOR AND SOCIAL STATISTICS.

The twelfth biennial report of the Commissioner of the Bureau of Labor Statistics shows a large amount of conscientious investigation and compilation, although the material accumulated prior to April 18, 1906, was destroyed by the fire and it was necessary to reproduce it so far as possible. The scope of the operations of this Bureau was considerably enlarged by the legislation of 1905 which required the collection of statistics of marriage and divorce and of crime. Some very valuable data on these lines will be found in the report, which also includes a mass of

statistics on wages, strikes, lockouts, child labor, Chinese and Japanese competition, farm labor, and rehabilitation work in San Francisco. In addition to its statistical work, the Bureau has rendered good service in enforcing the child labor act of 1905, which has proved effective for the purpose for which enacted.

COMMISSIONERS VERSUS COMMISSIONS.

I am impressed with the conviction that the good results attained through legislation providing for the abolishment of the State Board of Horticulture and the substitution therefor of a single Horticultural Commissioner with power to organize his assistant forces so as to make them responsible directly to him, and himself responsible to the chief executive office, is worthy of imitation in other departments of the State government. It seems to me that the United States Government, with its executive and administrative functions organized under departments, each having a single head and an undivided responsibility, is a good model to follow. State governments should not be the last to benefit by a process of concentration of effort and responsibility that has proven so advantageous to all other enterprises of large magnitude. State and institutional boards are neither very efficient nor economical, and can not be, because the responsibilities of their members are so divided. Division of responsibilities never makes for efficiency in the conduct of either public or private affairs, and I am strongly of the opinion that if most of our State boards and commissions were abolished and departments substituted, each being under a responsible head, and holding office at the pleasure of the chief executive, with the executive strictly responsible to the people, a marked degree of improvement in efficiency and economy in the dispatch of public business would result.

TULARE LAKE LANDS.

There are some 300,000 acres of valuable agricultural lands now lying under water in Tulare Lake. It is not improbable that a succession of seasons of deficient rain and snow may cause their emergence again, nor is it improbable that they will again be inundated when the snows of winter and the showers of spring again fill the incoming streams to overflowing. Meantime these lands will continue to be of uncertain value and will contribute inconsiderably to the productive power of the State. For many years there has been desultory talk of the construction of a canal down the trough of the San Joaquin Valley for the double purpose of carrying away flood waters and for aiding the drainage of adjacent irrigable lands at ordinary stages of water. It may be questioned whether it would prove of public advantage to precipitate these waters into the San Joaquin River, and thereby complicate the reclamation problem along the lower reaches of that river; but it may be possible to construct a canal of such carrying capacity and length that it will not only furnish drainage for the trough of the upper valley, but irrigation for the west side of the lower part of the valley.

I commend this to the serious attention of the Legislature, coupled with the suggestion that provision be made for a careful survey of the territory concerned for the purpose of ascertaining the most practicable method of reclaiming that large body of valuable land. Also, I would suggest that a method for the proper financing of such an enterprise be made a part of the report made to the succeeding Legislature.

REPORT OF STATE MINERALOGIST.

The report of the State Mineralogist shows that for some years past California's mineral products have been increasing in value at the very satisfactory rate of $2,000,000 per annum. This fact alone would demonstrate that mining, the State's oldest industry, and one of its most important, is enjoying a high degree of prosperity; but additional evidence of this is found in the figures of total production, which exceed $43,000,000 for 1905 and represent forty different mineral substances. I am glad to be able to report that the new law for the suppression of illegitimate mining companies, which, by means of misleading advertising, preyed upon the public, has worked well, and the dishonest promoters have generally sought other fields for their operations.

Acting upon information furnished by State Mineralogist Aubury, the United States authorities recently instituted an investigation of the charges that fraudulent land locations of large extent have recently been made in the counties of Butte and Plumas. It appears that approximately 500,000 acres of land, most of it covered with valuable timber, have been located under the placer laws, and certain of these locations have also been made over the claims of miners who have long been in peaceable possession. This matter is one of immense importance, and the result of the proceedings taken by the Government of the United States will be awaited with deep interest.

DEPARTMENT OF ENGINEERING AND ARCHITECTURE.

Since the office of State Engineer was abolished, a good many years ago, the engineering work of the State has been divided between several different boards and commissioners. The Commissioner of Public Works, the Highway Commissioner, and the Débris Commissioner all have their duties, the boundaries of which

are not very clearly defined, and oftentimes it is merely a question of convenience to whom or to what department a given piece of work shall be assigned. In the construction of public buildings the board of trustees, or of managers, of each institution usually selects its own engineers and architects, and each engineer or architect works along lines laid down by himself, with the result that the lessons learned from experience in the construction of one building profit nothing in the building of the next. Better results could be secured by a centralization of authority. It would be well to merge the engineering department of our State government into one department of engineering and public construction, with a single engineer at its head, who should be held responsible to the executive office and should be empowered to associate with him an expert architect, and such other experts along special lines as his work may from time to time require. It should be the duty of this office to procure or make plots of the grounds of all institutions, locating thereon all sewer and other pipe lines and drainage systems, and no alterations or enlargements of any public building should be made without first having obtained the consent and coöperation of this department of public construction.

California is a growing State, and it is inevitable that a great deal of public building must be done, roads constructed, dams built, and reservoirs excavated, and, besides, there is a world of overflowed lands to be reclaimed and arid wastes to be redeemed from drought. Of all such enterprises the fullest records should be preserved and the work be done under a continuing policy that shall begin somewhere and end at some definite goal, instead of being a patchwork beginning and ending nowhere.

It would be wise to centralize and systematize the constructive work of the State under a single head in a single office, with the purpose of procuring uniformity of effort coupled with economy of expenditure.

THE STATE AGRICULTURAL FAIR.

This State institution, properly conducted, can be made, as it once was, of great value to the agricultural and allied interests of this State. The exhibition of 1906, shorn of the objectionable features which characterized some of its predecessors, proved, by the attendance at, and interest shown in, it by exhibitors and others, that a real State agricultural fair, either in districts or at one central place, can be made worthy of State patronage.

In many of the other states such exhibitions are considered, as ours should be, of the greatest interest and value, and are visited by, literally, hundreds of thousands of people.

I would therefore recommend to the Legislature the appropriation of sufficient money to properly equip and maintain the State agricultural fair and to remove from the Capitol grounds the present eyesore of a pavilion, and erect, on the fair grounds, a respectable, convenient building for the purposes of such exhibitions.

PUBLICATION OF OPINIONS OF ATTORNEY-GENERAL.

I desire to commend to the Legislature for its special consideration the recommendation made by the Attorney-General that authority be granted for the compilation and publication of a volume to be made up of the more important opinions written in the Attorney-General's department during past years. Many such opinions which have been furnished in response to requests from different State officers and boards are of great value, and if made easily accessible would greatly facilitate the transaction of State business. A modest appropriation will be needed for this purpose.

Another important suggestion is made by the Attorney-General, who renews a recommendation first presented two years ago, that his office be relieved of the duty of passing upon applications to sue in the name of the State, and that the function of granting or withholding such permission be left with the courts, where it seems more properly to belong.

RIVER IMPROVEMENT, NAVIGATION, RECLAMATION, DRAINAGE, IRRIGATION.

The people of this State who are directly interested in preserving the navigability of our rivers, in the reclamation and drainage of the vast bodies of very fertile land which lie in our river basins, or in irrigation of those other vast bodies of fertile land which require only the irrigating ditch to make them most productive—the people who are directly interested in these matters are beginning to realize that all four of these important projects are inseparably connected the one with the other, and that each and all of them are dependent for their final perfection upon the improvement of our rivers.

The navigation of our rivers is of the utmost importance to all who occupy the great valleys through which they flow. The six million acres of level land lying between Bakersfield and Redding, together with the four million acres of rolling arable land lying tributary to these valleys, will one day easily support, in affluence and comfort, five million people. The open waterways of our great rivers will, if they be kept navigable, furnish cheap and easy transportation to the great commerce created by this dense population, as the presence of these navigable rivers

will do much to keep down freight rates on the railroads. It behooves the State and the Government to see to it that the navigability of these rivers be not only kept as it is, but greatly improved. There should be fifteen feet of water in the San Joaquin as far up as Stockton and in the Sacramento as far up as Sacramento City, and nine feet above these points.

It is a well-known fact among experts that if the waters of a river be kept within its banks it will scour out its bed and deepen itself. The Sacramento and San Joaquin rivers have had many, and still have some, crevasses, or breaks, in their banks, through which the water escaped and still escapes when the rivers rise. The full scouring effect of the water was and is thus lost, and consequently the rivers are not so deep and their navigation, therefore, is more difficult than ought to be the case.

Improvement of Navigation.—Four years ago the Legislature appropriated $200,000 for river improvements, putting its expenditure into the hands of the Auditing Board to the Commissioner of Public Works and the Governor. It was determined to use this money, first, in the closing up of the largest and worst breaks in the river banks, thus confining most of the water to the channel and securing the scouring effect, and, second, to securing certain threatened points of the banks against erosion and other breaks. It was also determined, when possible, to require the owners of lands on which breaks in the river banks were or were threatened, to coöperate with and pay dollar for dollar with the State for the prosecution of the work. Under this system of coöperation several bad breaks have been stopped, other threatened breaks have been prevented, and the rivers have been greatly improved, so that navigation is much easier than it had been for a long period of years. There is now a tide of several inches at Sacramento, a thing unknown for many years before, and river steamers have no difficulty in reaching this city even at the season of lowest water.

The State appropriation, by means of this coöperation, has been made to do duty for four years. It is now about exhausted. The work on the rivers should be continued. I therefore strongly recommend that another appropriation of a like sum be made, to be expended under like conditions.

With a better river, reclamation work is made easier, cheaper, and more certain. The water, confined to the river and not allowed to escape into the basins and attack cross and back levees in the rear, is much more rapidly, easily, and cheaply prevented from inundating reclaimed lands. Navigation and reclamation go hand in hand; both being dependent upon the carrying capacity of the river channel.

The surface of lands along our rivers lying behind levees is generally lower than the high-water surface of the rivers. It is, therefore, more or less troubled by seepage water, and the rain that falls on it can not be readily drained off. The higher the bottoms of the rivers are, the more serious and expensive becomes the problem of taking care of the seepage and rain waters. The deeper the rivers, the better is navigation, the cheaper, more certain and less expensive is reclamation and drainage. The latter is, therefore, like navigation and reclamation, dependent on river improvement.

A Vast Area for Irrigation.—About ten millions of acres in and adjacent to the San Joaquin and Sacramento valleys will, if irrigated, raise, in prodigious quantities, almost everything from potatoes to oranges. With proper storage reservoirs in the upper reaches of the rivers and streams of these valleys and the proper use of the countless millions of gallons of water that every year go to waste, this land will support, on irrigated and intensively cultivated farms, a family to every ten acres of its vast expanse. Upon these farms, and in the towns and cities that will grow up and be dependent on them, there can live, as I have said, five million happy, prosperous, and contented people.

The water with which to irrigate these ten million acres must be taken from our rivers and their affluents. The necessary storage reservoirs and the water for irrigation purposes can be much more easily and cheaply utilized if the rivers themselves are improved and their channels deepened so that the water may be confined therein and not allowed, as it has been, and, to a far too great extent, still is allowed, to burst the river banks, inundate the surrounding country, and play havoc with reclaimed lands. Thus, deep rivers will, as has been shown, aid navigation, reclamation, drainage, and irrigation. And these four things will add much, very much, to the wealth of this State and the prosperity of its people. With these four things provided for, north and south of the Tehachapi, our two million people will increase by leaps and bounds, and our one hundred million acres will harbor twenty-five or thirty million people.

The Legislature can, in my opinion, make no better use of the public funds than to provide for the continuance of the work of river improvement.

CALIFORNIA'S HARBORS.

With a north and south coast line of something like eight hundred miles, California has but four natural harbors of sufficient size to safely accommodate a large ocean commerce, viz: at Eureka, San Francisco, San Pedro, and San Diego. Upon these avenues to the ocean California is dependent for the exit and entrance of all the ocean commerce which may be directly or indirectly hers. Upon their proper

improvement and use the prosperity not only of the cities lying on these harbors, but also of the whole State of California, to a very great extent, depends. If the shores of these harbors shall be monopolized by a single, or a few, transportation companies, that healthy development of trade and competition, upon which the prosperity of cities, states, and countries depends, will be greatly hampered and the whole State will suffer in consequence thereof.

San Francisco Bay, on its Oakland side, is an example of the paralyzing effect of such monopolization. Here, when the town was first organized, all the water front was given over into private ownership. This ownership finally passed into the hands of the Southern Pacific Company.

San Francisco's water front, thanks to the farsightedness and patriotism of some of her early citizens, has been saved to the State and is being used by and for the State. But San Francisco's water front is only part of the Bay of San Francisco. On the Oakland side is also a water front which is also of great importance to this State. It is of almost equal importance, even to San Francisco, with that portion of San Francisco Bay and its shores which lie in the City and County of San Francisco. For, through Oakland and its neighboring cities is the natural, easy, and convenient access of transcontinental railways to San Francisco Bay and city. The more railroads that terminate on San Francisco Bay, the better it will be for San Francisco. And the easier it is for these railroads to get to San Francisco, the more of them will come.

The Water Front of Oakland.—The Oakland water front, however, has been monopolized by the Southern Pacific Company and its predecessors in ownership. By means of this ownership the Southern Pacific is endeavoring to keep other and competing railroads from acquiring an easy and convenient access to the bay and San Francisco. The struggle of the Western Pacific to break through the Southern Pacific's water-front barrier is an example of what difficulties competing roads must encounter in their endeavors to get to San Francisco. That city and the whole State of California would be better off if this impediment to the approach of competing railroads did not exist.

Oakland's water front, which has passed into private ownership, consists, according to the decision of our Supreme Court, in the strip of land lying within the boundaries of the original town of Oakland and bounded by the lines of high and low tides, as they existed in 1852. Below that line of low tide, both in the estuary of San Antonio and in the Bay of San Francisco, the land lying beneath the water belongs to the State of California. Over it, however, in the interest of navigation, the United States has certain jurisdictions, which are bounded by the so-called bulkhead and pierhead lines, already established by the Government, the names of which explain their purposes.

In my first biennial message to the Legislature I called attention to the fact that certain transportation companies had already built moles and piers over this State land, and that, if not regulated by law, either the companies already occupying portions of it or others coming in hereafter, might monopolize, to the exclusion of still later comers, the whole extent of this State land. This sort of a monopoly dwarfs that portion of California's commerce passing to and from San Francisco.

Section 478 of the Civil Code requires the approval of the Surveyor-General, which approval is open to review by the courts, before a railway corporation may acquire a right of way over public lands of this State. The Legislature of 1903 passed a bill leaving out the provision that the courts may review the approval of State officers of such applications for rights of way. I vetoed this bill on the ground that the interests of the State would be much better conserved if such matters were to remain subject to court review.

Section 475 of the Civil Code provides that grants of rights of way for railroads over public lands, as provided in Section 474, do not apply to any lands of the State within the corporate limits of towns and cities, or within three miles thereof. The Legislature of 1903 passed a bill repealing this Section 475 of the Civil Code. I vetoed this bill on the ground that no particular inconvenience had resulted from this restriction; that railroad companies had had apparently no particular difficulty in gaining access to and across the lands described in Section 475; and that public improvements have not suffered to any appreciable extent because of the provisions of this section.

Section 474 of the Civil Code grants rights of way to railroads over swamp, overflowed, or other public lands of the State, not exceeding two hundred feet in width. The Legislature of 1903 passed a bill which removed the limit of width for railroad rights of way over such public lands. I vetoed this bill on the ground that it is not sound public policy to allow unlimited width for railroad rights of way across the public lands.

Occupation of State Lands.—On the Oakland side of the Bay of San Francisco, extending beyond and below the line of low tide, and, therefore, occupying State lands, are the mole and pier of the Southern Pacific and the pier of the Key Route. These two structures cover many acres of State lands. Under Sections 475 and 478 of the Civil Code as they now stand, these two structures have been built without any authority of law. Had the proposed amendments of 1903 become laws, these lands could have been granted to the railroads and could have been widened

indefinitely until they monopolized, to the exclusion of other railroads, the land of the State opposite the Oakland water front and for three miles to the north of the town of Berkeley and three miles to the south of the city of Alameda. Soon after I became Governor I asked the opinion of Attorney-General Webb as to how railroad companies could obtain rights of way across public lands lying within incorporated cities or towns within three miles thereof. His answer may be summed up in the following quotation from it:

"There is no procedure laid down in the codes of California by which a railroad corporation may acquire a right of way for the location and maintenance of roadbeds, tracks, wharves, piers, slips, or terminal facilities over submerged lands beyond the corporate limits of the City of Oakland, which limits are the ordinary low-tide line, and the only method left for such a corporation to pursue is to obtain a special grant from the Legislature."

In my message to the Legislature in 1905, in commenting on this opinion of the Attorney-General, I said as follows:

"If this state of facts obtains as to Oakland, it must also obtain as to any other city or town which is placed as Oakland is, and the need of a State policy in respect to water fronts appears to be indicated. Such a policy should be carefully considered, in order that laws framed in accordance with it may be liberal enough to encourage enterprise and yet conservative enough to prevent monopolization of valuable privileges and to protect the rights and interests of the State in water-front property. Commercial opportunities are beneficial only as they are utilized, and the building of wharves, piers, and docks promotes the general welfare. There should, therefore, be some well-guarded law under which the right to occupy submerged State land, within or near, incorporated cities for these purposes may be facilitated and regulated.

"As the lands under navigable water are held by the State only in trust, for the promotion of commerce, it can never entirely alienate such lands, and it is a question to be determined by the State government what the tenure of the occupants shall be. Some states, like the State of Washington, on this coast, and the State of Massachusetts, on the Atlantic coast, grant leases for long terms of years and charge rentals. If legislation should be had on this subject, and it should be determined that the leasehold policy is the most expedient one for California, the rentals should not be fixed so high as to deter enterprise. The primary aim should be to develop commerce; the collection of revenue from this source, while desirable in itself, is secondary."

I renew my recommendation that a well-guarded law be passed, under which any railroad company may be allowed to lease from the State a sufficient, and only a sufficient, portion of the public submerged lands lying within the limits of incorporated cities, or within three miles thereof, to enable them conveniently to carry their traffic to navigable water. This law should be carefully guarded so as not to remove it from court review and so that only portions of the public domain not more than two hundred feet in width shall be leased to any corporation. The greatest care should be exercised to keep out of such legislation a repetition of the attempt of 1903 to put it into the power of a single corporation, or even a few corporations, to monopolize, to the exclusion of competing roads, public lands, the proper use of which is of such great value to all the people of this State.

Such lands, in limited quantities, ought to be leased to the corporations desiring to use them; and the terms of the leases should be such that the rental to be paid shall be determined at intervals of not longer than ten years. While the yearly rentals should, in no case, be large enough to hamper trade or put any onerous burdens upon the lessees, the privilege to be enjoyed is valuable enough to call for the paying of a reasonable rental. And in this rapidly growing State there would be no hardship in providing that the rental should be fixed every ten years.

Safeguarding of State's Interests.—All these observations apply not alone to the Bay of San Francisco. They are equally pertinent to Humboldt Bay, to San Pedro, and to San Diego. The City of Los Angeles is especially interested in the port of San Pedro; and the rights of the State to the lands in that harbor should be jealously guarded, lest the metropolis of the south suddenly wake up to the fact that her sea trade and commerce, having fallen into the hands of a monopoly at the shore, are seriously hampered and her prosperity greatly interfered with.

I especially call the serious attention of the Legislature to this matter of the protection of our few harbors, upon which depends, to a very great extent, the future prosperity of this State and its people.

In regard to the Oakland harbor, or that portion of San Francisco Bay lying opposite or contiguous to Oakland, I can not refrain from again calling the attention of the Legislature to the vast importance of so safeguarding it that it may be open to the approach and use of all railroads that desire to get to deep water. I have called attention to the fact that upon its proper safeguarding and use the future prosperity of San Francisco, to a very large extent, depends. For, as is apparent, San Francisco's future prosperity depends, very largely, upon competing railroads obtaining easy and convenient access to her; and that access is easiest and most conveniently obtained over the State lands lying in front of and contiguous to Oakland.

But San Francisco is not the only portion of this State that is vitally interested in the protection from monopolization of these State lands and their use by competing railroads. The counties lying in and contiguous to the great Sacramento and San Joaquin valleys, in fact all the counties lying north of the Tehachapi, are also vitally interested in the preservation and the proper use of this property of the State. For over it must pass much of the trade and commerce coming from and going to these counties; and the railroads, steam and electric, transcontinental and intrastate, which we hope will, ere long, gridiron our valleys in every direction, will center at the Bay of San Francisco and will, if it be possible for them to do so, gain access to deep water across the State lands lying in front of or adjacent to Oakland. The whole State, certainly every county north of Tehachapi, is interested in seeing that these lands be not monopolized by one, or even a few, transportation companies, but that they be kept for the use of all who desire to utilize them.

A Commission of Inquiry.—In line with this is the taking over by the State of the actual improvements, for trade and commerce, of these lands, as the water front of San Francisco has been taken over and improved by the State. I recommend that a commission, to consist of the President of the Board of State Harbor Commissioners for San Francisco, the Mayor of the City of Oakland, and the State Commissioner of Public Works, be authorized to examine into the State lands lying in front of and contiguous to the City of Oakland and plot and map a system of improvements thereof, in the interest of commerce and trade, and report the same to the next session of the Legislature; and that, in order that this work be expeditiously carried out, the sum of $75,000 be appropriated by the Legislature for the employment of engineers by and the necessary expenses of the said commission.

I also recommend that similar commissions, for similar purposes, be constituted for Humboldt Bay, San Pedro Harbor, and San Diego Bay, and that adequate appropriations for the use of these commissions be made.

In this connection, I call particular attention to the report of the Harbor Commissioners for the Bay of San Diego, which represents that there has been extensive encroachment upon the State's tide lands in that harbor, and that to prevent the ultimate loss of much valuable property the boundaries of the State-owned lands should be definitely ascertained and clearly established as soon as possible through surveys and the production of other evidence. This is an important suggestion, and no doubt it applies with as much force to San Pedro and other harbors as to San Diego.

Wharves and Docks in San Francisco.—The wharf and dock facilities at San Francisco are by no means sufficient for the purposes of the vast commerce which is passing through its portals. For a long time previous to the catastrophe of April, 1906, it was evident that the growing commerce of the port of San Francisco required immediate extension of its facilities. And, therefore, the Legislature of 1903 proposed to the people that they vote the State's credit for two millions of dollars in bonds for that purpose. This legislative proposition was submitted to the people two years later, as the law directs, at the election of 1904. The people voted the bonds, but owing to an adverse opinion of the Attorney-General of the State concerning their legality, it became necessary to submit the matter to the Supreme Court. That tribunal decided, late in 1905, that the bonds had been legally issued. The Harbor Commission thereupon, following the red-tape provisions of the law, proceeded to ask for and accept bids, and award contracts for part of the necessary work, and had decided to award a contract therefor on April 19, 1906. The catastrophe of April 18th, however, compelled a postponement of the work for several months. It is now under way.

It will thus be seen that the delays in the prosecution of this work have been from two sources: first, three years as required by law and necessity; second, six months on account of the catastrophe of April 18, 1906, and the days following.

The destruction of the City of San Francisco has suddenly increased the work put upon the harbor facilities. The much larger importations of building materials, which have suddenly increased one hundred per cent, to say nothing of other supplies, together with the destruction of a portion of the already insufficient docks and wharves, have demoralized the trade of the port.

Another thing which has added to the confusion is the fact that, owing to the bad condition of the streets, the capacity of teams for moving freight from the docks has suddenly decreased one third at least. That is to say, a team that was able to move three tons before the fire, is now able to move but two tons. The result of this is that it has become impossible to remove freight from the wharves as fast as it is unloaded from the vessels; and, therefore, on account of the incumbered docks, it is impossible to unload vessels so expeditiously as they should be. Add to this the fact that the warehouses of the city have been, in great part, destroyed, which renders consignees loth to remove freight from the covered wharves, and we have a still further, and not inconsiderable, increase in the causes which lead to San Francisco's present distress in regard to her wharfage facilities.

Charges Imposed on Shipping.—The claim is often made that the port of San Francisco is the most expensive port in the world. As a matter of fact, however, the port charges of San Francisco, that is, those that are fixed by and controlled

by the State, are lower than those of any other organized port in the world. Similar charges in other ports, such as Sydney, in Australia; Hamburg and Bremen, in Germany; London and Liverpool, in England; New York, Boston, Philadelphia, Portland (Oregon), Seattle, and Tacoma, in this country, vary from 7½ cents to $1.50 per ton, according to kind, for freight which, in San Francisco, pays a uniform toll of 5 cents per ton. Pilot charges, towage, water, ballast, stevedoring, and supplies of all kinds may be higher in San Francisco than they are in other ports, but these charges are not fixed by the State. I repeat that instead of being higher in the port of San Francisco, the port charges which are fixed by the Harbor Commission under the State laws are lower than those of any other port in the world.

The dockage charged by the State at San Francisco is 2 cents per ton for vessels up to 208 tons register discharging cargo; three quarters of a cent for each additional ton; half rates for vessels receiving cargo or discharging or receiving ballast or lying idle. European dockage charges vary from 5½ to 34 cents per registered ton for vessels entering or leaving the docks. Besides this there is a discharging expense of 1½ to 8 cents per ton. There are many ports also in which, in addition to these charges, there are town dues on goods ranging from 7 cents to $1.25 per ton of freight passing over the wharves. Our wharfage charges are a uniform rate of 5 cents per ton passing over the wharves.

Only about one half the revenue received by the State is derived from tonnage and dockage. The other half is derived from the belt railroad, rents of the ferry building, etc. And only about sixty per cent of the wharfage, of 5 cents per ton, is collected from the freight of ships lying at our docks. The remainder, forty per cent, of our wharfage receipts is collected from the freight which arrives, by ferry, in the railroad cars which pass over the water front.

The method of administering the State's property at the port of San Francisco has long since outlived its usefulness. Already decrepit, its absolute inability became apparent when the great catastrophe suddenly threw upon it a large amount of extra work for which it was not prepared. When the business of the port was much smaller, its affairs could be readily managed by a commission of three members, none of whom need be or can be, under the law, expert in such matters. A commission appointed every four years, as this one is, and composed, as this one has to be under the law, of men whose business is not connected with ships, shipping, wharves, or salt water, must necessarily fail, as the Harbor Commission has, slowly, but surely, deeper and deeper into the pool of politics, until it is looked upon, from Siskiyou to San Diego, from Del Norte to Riverside, as a convenient place in which to take care of political workers and incompetents of all kinds. This is no new thing. It has grown up during the years, until the pressure from the politicians upon the commissioners is too great to be entirely resisted, and the San Francisco water front is looked upon as a fair haven into which shall be towed the political derelicts of the whole State. It would be cheaper, far cheaper, for the State to pension off on full salaries a large percentage of the employés of the water front and employ in their place competent and industrious men. Under such circumstances, the work could be better, more expeditiously and more economically done with two thirds or one half as many employés.

Competent Persons Who Are Debarred.—I said above that the law prevents the appointment, as Harbor Commissioners for the port of San Francisco, of men whose business is connected directly or indirectly with ships, shipping, wharves, or salt water. In support of that statement I quote from the law, as follows:

"No person shall be appointed to any office by virtue of this article, nor be employed in the service of the board, unless he be a qualified elector of the State, nor shall any person be so appointed or employed who is interested in any vessel sailing or plying in and out of or on the inland waters of the Bay of San Francisco, as owner, mortgagee, or otherwise, or a stockholder or in any company owning such vessels, who is a consignee, the general or freight agent or manager of any such vessel, or agent or other employé of the owner of any such vessels, or who is engaged in the business of marine insurance, or of procuring such insurance, or who is engaged as a stevedore, in loading and discharging such vessels. No person not a citizen of the United States shall be employed either as a contractor or laborer on any work done under this article. And eight hours shall constitute a legal day's work, whether performed directly for the State or for the person or persons receiving a contract under this article." (Sec. 2545, Political Code.)

It will thus be seen that any Governor who obeys the law in the appointing of Harbor Commissioners must overlook all those who, by business training, are best capable of administering and looking after the affairs of a great port. But worse than this, worse because even those who are not trained by previous business experience to be Harbor Commissioners can, with reasonable intelligence and assiduity, become expert in the duties thereof—worse than this, the term of office of the commissioners being four years, no sooner do incumbents become acquainted with the duties of their positions than they are displaced by others, who, as their predecessors were, are compelled to learn their duties, to be, in turn, displaced, when they have accomplished the task. Worst of all, however, is the notion, which has become an unwritten law of custom, that the first duty of a Harbor Commissioner is to take

care of political derelicts, without regard to fitness, competency, or industry, except in political campaigns.

The salaries paid commissioners are also entirely inadequate to secure the services of men of large experience and business fitness as Harbor Commissioners No man whose previous business training would fit him to successfully manage such an immense and varied business enterprise as is transacted on the water front of San Francisco can afford to give all his time, as the President of the Board must, for $300 per month, even if the position were secure for a longer period than four years. And to expect competent men to give their whole time, or any great portion of it, as associate commissioners should, to the State for $250 per month, is worse than an absurdity.

The System Wrong in Conception.—The whole system upon which the administration of the San Francisco water front is based is wrong, radically wrong. Instead of there being three commissioners, there should be one commissioner, whose term of office should be dependent only upon his rendering efficient service and who should be paid a salary commensurate with the value of the service rendered to a business of the magnitude of that transacted on the San Francisco water front. Under this commissioner should be various departments, each headed by men selected by and responsible only to the commissioner. The subordinates of these department chiefs should be selected by and be responsible to, and only to, their chiefs. Efficiency and competency should be the only criteria of employment or retention. But while the executive functions, for the sake of a more energetic administration, should be thus concentrated in one person, it might, and probably would, be found expedient to associate with the commissioner an advisory board, in about the same way in which the State Commissioner of Public Works has associated with him, for certain purposes, an auditing board. In this way, and in this way only, can the water front of San Francisco be put into shape to properly take care of the business passing and to pass over it.

Whether such a state of affairs shall be brought about depends upon the Legislature, in whose hands is the power to initiate and to bring about the necessary changes in the law.

Progress of the Construction Work.—There has been a good deal of complaint because the destroyed portion of the San Francisco water front has not been more expeditiously restored and new wharves built. That material for the restoration of private edifices in San Francisco has not been available in sufficient quantities everybody knows. The State is in no better position in this regard than individuals. It has been absolutely impossible for the State to secure lumber and material, either in proper sizes or sufficient quantity, to more expeditiously replace its destroyed property. It would, for instance, be worse than foolish to use green, or uncreosoted, piles in the teredo- and limnoria-infested waters of San Francisco Bay. Such piles have a life of only about two years, and wharves built upon them would hardly be more than completed before their supports, eaten off by the marine worms, would require the entire replacement of the piling. Not only would this be an absolute waste of public money, but it would require that such wharves shall be thrown out of commission, pending repairs, about every two years, and this should not be permitted even to relieve the present water front distress. The only way in which wharves can be made to live ten years or more in the Bay of San Francisco is to creosote the piles or build the superstructures on cement or metal piers. At present it is utterly impossible to secure creosoted piles, and the building of cement or metal piers requires a long time, a longer time, probably, than will be required to secure and use creosoted piles.

When it is realized that private permanent work in San Francisco, meeting, as it does, the restraints of want of material and the means of its transportation, is slow in beginning, it is not to be wondered at that public work, meeting the same obstructions and the red tape required by the law, is also slow, but no slower than, if as slow as, private work.

But a properly organized administrative and executive force is not the only thing necessary for the proper expansion of the shipping facilities of the port of San Francisco. To build the necessary wharves and docks will require many millions of dollars and years of time.

The State's Duty Regarding Harbors.—San Francisco harbor and water front is the property of and should be administered by and for the benefit of the people of the State of California, of which San Francisco is only an important part.

While the improvement and expansion of the facilities at San Francisco are of direct benefit to that city and, as I have shown, to the whole upper part of this State, and also of indirect benefit to the rest of California, it must not be forgotten that there is a good harbor at San Diego, another at San Pedro, and a third at Eureka, in the improvement of each of which many of our people have a direct, and all of us have an indirect, interest. Let it not be forgotten, also, that, on the eastern shore of San Francisco Bay there is a water front which is of nearly equal value to San Francisco and the rest of the State as that which lies in the City and County of San Francisco. Therefore, when the people of California are asked to pledge the credit of the State for the extension and perfection of the shipping facilities for the water front of San Francisco, those who ask it should not forget

that, while it should improve that water front, the State of California, for its own protection and future prosperity, should also see to it that the shipping facilities at San Pedro are taken in hand by the State, to the end that the great and growing City of Los Angeles and the country surrounding be not left to the tender mercies of private monopolies. The ports of Eureka and San Diego, for similar reasons, should not be longer neglected by the State. Nor should San Francisco and the counties lying north of the Tehachapi permit, for reasons before spoken of, the monopolization of the water front lying on the eastern shore of the Bay of San Francisco. And if the harbors other than that of San Francisco be not looked after and taken care of by the State, it will be difficult to persuade the people of California to vote the State's credit for the improvement of San Francisco water front.

In other words, let the efforts of those who are interested in the improvement of our harbors be directed toward a broad, patriotic, comprehensive plan looking to the improvement and the saving to the people of the State of all our harbors. Let there be no selfish, localized plan; let it be State-wide.

BETRAYALS OF TRUST BY PUBLIC OFFICIALS.

Two years ago California was humiliated by the trial and conviction of two of her State Senators for bribery. A third member of the Senate fled, and is now a fugitive from justice. The Senate is to be congratulated on its prompt action in expelling, after an exhaustive trial and before their conviction by juries, the Senators who, by their dishonest acts, brought shame and disgrace upon California and cast a stigma upon our boasted republican form of government.

The recent developments in the City of San Francisco, which seem to indicate a state of affairs at least as bad as that which existed in New York City under the régime of Tweed, ought to shame every person who claims to be a Californian. That official corruption could go to the extreme which seems to have existed in the metropolis should concern every person who loves this country and desires to see its free institutions perpetuated. For, if unchecked, this official corruption will so poison the whole body politic as to cause the sure death of public spirit and private patriotism.

The official who betrays the trust imposed in him commits a crime against his fellow citizens that is blacker, more despicable and more to be detested than even cold-blooded murder. The latter is a crime against an individual, or, at most, against a very few. But the former is a crime against many and disturbs the very foundations of our free institutions. The bribe-taker is, however, no greater criminal than the bribe-giver. Both should be scorned of all men; both should be punished for their crimes against the State. He who betrays the people in times of peace is no less a traitor to his country than he who betrays it in time of war. There are, to our shame, be it said, Benedict Arnolds still among us.

I commend to the careful, patriotic attention of the Legislature this subject and hope that some method will be devised whereby detection and swift conviction may be made more certain than, to our disgrace, be it said, appears now to be the case.

Technicalities in Our Criminal Procedure.—Another thing that is engrossing the attention of all thinking men in this State is the way in which, by juggling with the technicalities of the law, justice is defied and our courts and laws made laughing-stocks by cunning lawyers. California ought to blush when it remembers how our criminal procedure permitted the notorious George D. Collins to juggle with justice, defy the courts, roll up needless expenses for the public purse to bear and, worse, far worse than this, implant still deeper in the public mind the suspicion that our laws and courts are made and conducted not for the purpose of doing but hampering justice. And no one has forgotten how, only a short time ago, another attorney, in suing for a fee, publicly set forth how, by means of dilatory motions and an endless trickery with the machinery of the law, he had so delayed the bringing of his client into court that the matter had become outlawed.

The San Francisco officials who have been indicted for crimes against the public good are either innocent or guilty; and in the interests of public morality, that innocence or guilt should be quickly established, and justice, either in vindication or severe punishment, should be swiftly and surely meted out to the accused. Yet we see the courts blocked and day after day, week after week, spent in the interposition of dilatory motion upon dilatory motion, followed by time-consuming argument after argument, until it would seem almost as if there was some truth in the public suspicion that the courts are sieves whose meshes are large enough to let through those with sufficient money and influence.

It is a serious matter, one that appeals to us all, that justice may be thus laughed at, the courts mocked, and the protection of our laws against criminals and criminal acts thus defied. No one of us is safe, either in life, liberty, or property, if those accused of crime may thus stave off trial until witnesses forget, are bribed or disappear, or until, by the very bedevilment of the record, some error is made upon which the technical courts of appeal may hand a reversal of conviction.

I commend this whole subject-matter also to the careful and patriotic attention of the Legislature, hoping that such changes in our criminal procedure will be made at this session as will prevent the spectacles that have, within the past two years, brought disgrace upon our laws and placed a premium upon dishonest, shameful, and indecent trickery. Be the fault where it may be, at the bar, in the

trial courts, or in the Appellate or Supreme Courts, let the proper remedies be applied, so that those accused of crime shall be compelled to go to trial within a reasonable time; and let that trial be upon the merits, not the fine-spun technicalities, of the case and the law. Let a crime be quickly followed by punishment and not by judicial legerdemain and wearisome justice-refusing technicalities.

THE IMPORTANCE OF GOOD ROADS.

A living, concrete example of the benefits of good roads is afforded by conditions now existing in the City of San Francisco. Since the 18th of April, 1906, the streets of San Francisco have been, as a result of the great catastrophe, in bad condition. As a result of this, teams that could formerly handle loads of three tons can now draw but two tons. In other words, the cost of teaming, from this item alone, to say nothing of the greatly increased wear and tear on horses, harnesses, and vehicles, has increased about 33⅓ per cent. No more eloquent sermon on the benefits of good roads could be preached.

California has done comparatively little toward inculcating into the minds of its people the benefits of good roads. Road-building has been left almost entirely to the cities and counties, and the result has been that, with comparatively few exceptions, our counties have gone on, year after year, squandering money in turning up dirt roads in the spring, which in the winter become quagmires. The reason for this is a dual one. In the first place, those who have the making of roads in charge know little or nothing about either its theory or its practice; and, in the second place, it costs less to turn up a dirt road than it does to build a good road. The cost of the good road is, of course, less, much less, in the long run, than the summed-up cost of the yearly turning up of the dirt roads, to say nothing of the saving of money in horse flesh, harnesses, wagons, time, draught power, etc., on the good road as compared with the poor one.

Most of us in California seem to think that a road is pretty good if the natural dirt, be it sand, loam, or adobe, is thrown up in the center and smoothed a little. And it is generally considered a sort of luxury if, in addition to this, gravel is put on, to sink in the mud beneath and disappear. It is only in a very few counties that macadamized roads are at all in vogue, and they, in most localities, have been put in against the protests of those who benefit most by them.

But the macadamized road is not the best road that can be built in these days of crude oil. Nor is it the cheapest to build or maintain, the properly built oiled road being cheaper, and better, than any other road that can be constructed in California except, perhaps, in localities where rock is cheapest and oil dearest. But while it is the fact that crude oil property applied to our various soils—sand, loam, gravel and adobe—has, in many places, made first-class, substantial roads, at a cost even as low as $150 per mile, it is also a fact that, in many other places, crude oil, improperly applied at a much greater cost, has resulted in failures and has, therefore, been abandoned as a road-making material.

The State Commissioner of Highways, Hon. N. Ellery, has made an especial study of oil as a road-making material, and has given the result of those studies in his report for 1906. Copies of this most excellent document may be had by applying to him; and I call to it the especial attention of the members of the Legislature and all those interested in good roads.

Effect On Land Values.—Not only do good roads make the products of the farm more valuable because they enable the farmer to deliver them more cheaply, but, conversely, they make the land on which those products are raised also more valuable, because the products themselves are more valuable. Just as the railroads make land more valuable because its products can be delivered more cheaply and quickly than by team, except under certain conditions of short haul and good roads, and just as the cheaper rivers can beat the railroads, so the good roads make the farmers' products and farm more valuable and bring into productive and remunerative use lands that, with poor roads, can not be utilized at a profit. By this increase in value of its lands, to say nothing of the greater prosperity of its people, the State and all its political subdivisions are greatly benefited. Smaller farms replace the great holdings, the great wheat fields give way to intensive cultivation, school houses spring up in all directions, free rural delivery, with the daily paper, and the periodicals, and the telephone, all follow fast upon the heels of the good road. It humanizes, civilizes, brings prosperity, luxury, and affluence to the farmer's door, and enables the former lonely dweller in the country to have and enjoy many of the comforts of the city.

The student of political economy sees the dangers that always have resulted and always will result from the overweening growth in wealth and population of the cities at the expense of the country. No nation has ever long survived, and no nation ever can survive, the corrupting, weakening influences that result from such a state of things. Among the healthy, vigorous, clean people of the country is found the greatest patriotism. Upon them depends that watchful care upon which in turn the perpetuity of our country depends. We have only to look at our stricken metropolis of San Francisco to see the menace to our institutions, our very liberty, that will follow the depopulation of the country brought about by the migration of the country people to the cities. The country must increase in population as do the cities to keep the balance of power and wealth from passing to the latter.

The good road will do more, far more, than any other influence, to bring this about. The good road leading to the electric railway will bring the dwelling place of him who lives fifty miles from town almost within its suburbs, and will thickly dot those fifty intervening miles with villages and the homes of happy and contented people.

Time for California to Act.—But, as I have said, California has done but very little toward encouraging the building of good roads. European countries, with centuries of experience behind them, knowing the necessities therefor, maintain good roads as we maintain sheriffs and policemen. And some of the states of our country, like New York, are spending millions of dollars to aid in the building of these necessary adjuncts to and spreaders of population and civilization. The time is ripe for California, toward which are now turned the eyes of all the world, to follow the example of her older and more experienced sister states and the guidance of the still older and more experienced nations of the Old World and do her part toward aiding and encouraging the advancement of good roads.

I invite the careful attention of the Legislature to this important matter, and would recommend that a sufficiently large sum of money be appropriated, to be expended, under the supervision of the State Commissioner of Highways, in coöperating with counties and abutting landowners, in building good roads throughout the State. These State-aided good roads should be State-selected main arteries, built to State-made specifications and State-approved surveys. And toward their construction the State can well afford to pay at least one third the cost.

Oiled roads, as I have said, are cheap and good, when properly constructed. The coöperative sharing of the cost by the State would put a comparatively small expense upon the State treasury or the coöperating counties and individuals. The benefits would, however, be very great to the State, the counties, and the individuals; and the example of cheap and good main highways would soon lead to the building of similar roads by the counties themselves. The State can well afford, I think, to pay at least one third of the cost of such highways, if for no other purpose than to insure, by its supervision of the work, good roads in California. And for this purpose I recommend the appropriation of at least $250,000. This sum, in coöperation with counties and individuals, should build at least one thousand miles of good oiled roads in this State and save at least an equal sum in decreased wear and tear and increased efficiency of horses, harnesses, and wagons; besides which it will greatly increase the assessed valuations of the lands tributary to the roads thus built and soon bring back in taxes the money spent upon them.

BUILDING AND LOAN INVESTIGATION.

Whether or not the Building and Loan Associations, or any of them, have been guilty of practices which can not be defended under the law or correct business methods has not been, I believe, authoritatively proven. In view, however, of the uneasiness in the public mind concerning these associations, or some of them, I am of the opinion that an investigation, by some competent authority, legislative or other, into their methods, and the enactment of legislation which will correct any evils that may be found to exist, are both timely and necessary.

Building and loan companies have been of great benefit to thousands who have availed themselves of their privileges. Honestly and well conducted, they can be of still more benefit to the home-builder of small means. And as there has been no advance in legislation to keep up with the development of the building and loan companies, I recommend to the Legislature a thorough investigation of the whole subject-matter, to the end that abuses and weaknesses, if any there be, in the laws governing these companies may be remedied and provided against.

THE STATE LIBRARY.

Within the last two years the State Library has been more thoroughly organized by the Board of Trustees, who have applied the principles of the merit system by adopting a graduated scale of salaries and arranging for regular promotions from the lower to the higher grades based on experience and proved ability. At the same time the library service has been extended in a number of directions and its usefulness greatly increased. I desire to call the attention of members of the Legislature to the valuable assistance they may expect to receive in their work by consulting the legislative reference department which has been established for their convenience. Through the establishment of the traveling library system, the benefits of the State Library, heretofore confined largely to the capital city, have now been extended to all parts of the State, but more especially to the small communities which do not enjoy the advantages of public libraries of their own. There are at the present time no less than three hundred and twenty-five traveling libraries, located in as many different places, in fifty-six counties. Thus, the residents of even the smallest village may have brought to their doors, practically without cost, the advantages of a great modern library. Moreover, the State Library is rapidly becoming a storehouse of rare and valuable books, documents, and manuscripts upon the history of California.

THE JAPANESE QUESTION.

It is safe to say that the President, when he penned that portion of his annual message upon the opening of Congress in which he refers to the treatment of the Japanese in the San Francisco schools, was not aware of the conditions on this Coast, especially in California. In common with the people of the East, who have had no experience with the unassimilable people of Japan and China, the President does not understand the racial differences between the Japanese and the Chinese and people of Caucasian blood. Coming in contact only with a few educated and intelligent individuals of these two races, the people of the Eastern States do not understand that to permit the immigration of only a small fraction of the whole number of these people means the monopolizing by them of such pursuits as they may engage in. This monopolization would not militate against the public good were the monopolizers capable of being absorbed into the body politic, and, in this generation, or even in the next, becoming integral parts of our cosmopolitan people.

Unfortunately, however, neither the Japanese nor the Chinese appear to be capable of absorption and assimilation into the mass of our people. Neither race has, apparently, any desire to renounce allegiance to its mother country and become, in the true sense of the word, citizens of the United States. Our laws and customs regard intermarriage with them as miscegenation. All their energies are bent toward acquiring a competency here to enable them to live in comfort and affluence in their own countries. They collect in colonies, either in the cities or in the country, do only such business as necessity compels with any but those of their own people, and have no close relations of any kind with our people. Being able to live on a small fraction of what seems necessary to support Caucasian people, being, furthermore, clannish in the extreme and evincing neither desire nor ability to mingle with our people, the lower classes of these two nations are not, in any sense of the word, desirable immigrants to, much less citizens of, this country. There are Chinese and Japanese, especially the former, who have lived in this State many years, some of them half a century, and in no essential particulars have they acquired our manners and customs. They are, practically speaking, as much foreigners, in manners, customs, habits of thought, and loyalty to their mother countries as they were when they came here. The great mass of them make no investments in this country, have no interest in its institutions and no sympathy even with our civilization or modes of thought; they make no attempt to accommodate themselves, even in dress, modes of living, or customs to those surrounding them, and, in fact, desire only to gain sufficient wealth to enable them to return to their own countries to live out the rest of their lives.

The Causes in the Races Themselves.—It is beside the question to say that they show these peculiarities because of the inhospitableness of our people. Were the racial differences in civilization, thought, manners, and customs not insuperable between these Asiatics and the Caucasians, whatever inhospitableness our people might show toward them would insensibly disappear and there would be, in spite of all attempts to the contrary, signs of Americanization, in the best sense of the term, among them. Such, however, does not appear to be, in any sense, the result of their residence here. The Chinese among us are still Chinese; they wear, for the most part, their national costumes and queues; they live strictly in quarters by themselves, and preserve their national customs inviolate. The Japanese also have made no attempts to disassociate themselves from their fellows and become individuals among us. They, like the Chinese, congregate together, not in quarters, as the Chinese do, but still apart by themselves. They wear, it is true, American clothes, but they preserve the Japanese customs. And they, even more than the Chinese, refuse to do business, when it is possible to avoid it, with Caucasians.

It is useless to expect that people with such different racial characters, of such different civilization, can ever mix with our people and become absorbed into our body politic. They can not become good American citizens; it is useless to attempt to make them such.

But while the Caucasian can not reconcile himself to the Asiatic, it must not be forgotten that the Asiatic can not reconcile himself to the Caucasian. While the Caucasian looks askance at the Japanese and Chinese, both the latter have an equal, a greater, contempt for the Caucasian. To the Asiatic the Caucasian is an inferior, with whom it is little short of degrading to closely associate.

This condition of affairs exists not only in this country, but also in Japan and China. Both Europeans and Americans have lived for many years in both of these countries, yet there is no mingling of the races even there, no intermarriage, no assuming, on terms of equality, amity, and unconscious friendliness, of the dress, manners, customs, mode of living, or religion of these countries by the Caucasians living there. There, as here, each race looks upon the other as inferior.

Reasons for Separate Schools.—Under these circumstances, it is not at all strange that there is an aversion to the mingling of the children of the two races. And, therefore, California has decreed that, whenever it is so desired, the local school authorities may provide separate schools for the Chinese and Japanese children, in which they shall be taught as Caucasian children are, and by equally capable teachers.

In the case of the Japanese this separation seems to be the more necessary, because many of the Japanese who desire to attend our schools are much older than the Caucasian children with whom, on account of their deficient learning, the Japanese must be enclassed. It is not at all desirable that youths, even Caucasian youths, of eighteen years or more of age, should be associated in the schools with children of tender ages. The reason therefor is sufficiently explained by its mere statement.

The laws of California require, when the local school authorities so decree, the separation of the Chinese and Japanese scholars from the Caucasian. And, as I read it, the treaty of the United States with Japan does not require that the Japanese shall be put in classes with our children. To give them as good school facilities more than complies with the treaty. Therefore, it would appear that San Francisco, in providing separate schools for the Japanese, is acting strictly within the letter and spirit of the laws of this State and is in no way acting in contrariety to the treaty with Japan.

The State of California, a sovereign state of the United States of America, has no quarrel with the government of either Japan or China. On the contrary, California has the greatest respect for these two countries, and deprecates equally any indignities which may be put upon Americans in Japan or China, or upon Japanese or Chinese subjects in this country. We realize thoroughly that it is only the irresponsible and vicious in China and Japan who insult and injure American citizens; we know equally well, and we hope that the Japanese and Chinese governments also know, that it is only the irresponsible and the vicious who, in America, insult and injure the subjects of these two great nations. All good Americans frown upon such indecencies here, as all good Chinese and Japanese frown upon them in their own country. But, nevertheless, until the courts of this country shall have declared that California has no right to do so, this State reserves to itself the prerogative and privilege of conducting, under the law, State, National, and treaty, its schools in such manner as seems best to us; and this without the slightest disrespect toward the Government of the United States or the subjects of any foreign nation.

THE DEATH OF CONTROLLER COLGAN.

The State has met with a serious loss in the death of Edward Power Colgan, State Controller, which occurred on the 20th day of last November. When last the Legislature was in session, so recently as the month of June, 1906, Mr. Colgan was present, apparently in his usual health, and rendered, as usual, valuable service, aiding in solving the financial and other problems arising out of the great disaster of April 18, 1906. Almost immediately following the close of the extraordinary session his health began to fail, and for many weeks before his death it was evident that the end could not be far off. Happily, Mr. Colgan, who had served the people of California faithfully in his important office for nearly sixteen years, lived long enough to know that his fellow citizens had honored him by re-electing him for a fifth term by the largest majority ever given to a candidate seeking their suffrages for a State office. The public career of Controller Colgan was one of high honor, and in private life he was greatly beloved. I suggest that it would be in order for the Legislature to testify in some fitting manner its appreciation of the distinguished public services of Mr. Colgan.

GEORGE C. PARDEE, Governor.

APPENDIX—LIST OF ORDERS EXTENDING EXECUTIVE CLEMENCY.

The number of orders extending executive clemency during the four years of my administration is as follows: Commutations of sentence, 100; pardons, 10; reprieves of sentence, 18; restorations to citizenship, 13. The total number of applications for clemency which were granted is therefore 141. The number of applications for clemency of all kinds received and passed upon exceed five hundred, so that the cases where favorable action was had constitute only a little over twenty-five per cent of the total number considered.

The pardon orders were issued in cases where it was clear that the prisoner was not guilty of the crime of which he was convicted, which accounts for the small number granted. The grounds upon which the commutations of sentence were made are various, including all cases where it was shown that mitigating circumstances had been uncovered and undue hardship or injustice done.

In nearly all cases the orders of commutation were granted upon the condition that, if the prisoner were ever again convicted of felony, he shall be compelled to serve out the remainder of his original sentence, in addition to the sentence imposed for the new offense. The efficacy of this condition as a deterrent of further crime on the part of the released prisoner has been demonstrated, and in several cases, where the condition was violated, the offender has been made to suffer the added penalty.

Following is a list of clemency cases where favorable action was had, with a brief synopsis of the facts of the case and the reasons for extending clemency:

PARDONS.

March 4, 1905. Benjamin Wright, convicted in Santa Clara County in January, 1905, of misdemeanor and sentenced to pay a fine of $150 and to imprisonment of ten days in the County Jail. It was represented that Wright had paid his fine

and that he had been amply punished for his infraction of the law. The pardon was issued upon the recommendation of the following officers of the town of Mayfield: A. B. Clark, C. Ducker, L. Distel, P. Towne, Alexander Peers, all members of the Board of Trustees; W. H. Myrick, Clerk; Frank Forshay, Marshal; F. W. Weishaar, Treasurer; W. A. Beasley, Attorney.

December 21, 1905. Thomas W. Kelly, convicted in Fresno County in November, 1891, of murder in the first degree, and sentenced to life imprisonment. At San Quentin State Prison, on October 6, 1905, in the presence of the Warden and the Chaplain, Frank Woods, condemned to death and then about to mount the scaffold, confessed that it was he and not Kelly who committed the murder for which Kelly was imprisoned. After searching investigation, the prison officials certified that they could discover nothing to indicate collusion between Woods and Kelly. In addition the following persons who were familiar with the facts of the crime, state that they have always entertained grave doubts as to the correctness of the verdict, and all urged the release of Kelly, who had served a term equivalent to a sentence of twenty-two years, viz: W. D. Tupper, then District Attorney; H. H. Welsh, the Assistant District Attorney; Frank H. Short, and J. M. Hensley, then Sheriff.

July 21, 1906. Narcisso Mariotti, convicted in Sacramento County in November, 1904, of assault with a deadly weapon, and sentenced for two years. Mariotti, who was then confined in Stockton State Hospital for the Insane, was pardoned upon the report of Dr. F. W. Hatch, General Superintendent of State Hospitals, which was in part as follows: "I am convinced of his insanity at the present time and am of the opinion that the developments in the case go far to confirm our opinion that he was not sane at the time of the commission of the crime." This report was supplemented by a statement signed by Judge E. C. Hart and District Attorney A. M. Seymour, which is in part as follows: "It is our sincere belief that he was insane, and we are of the opinion, as a matter of law, that he committed no crime."

November 20, 1906. James Dowdall, convicted in San Francisco in October, 1906, of robbery, and sentenced for fifty years. Dowdall was pardoned because of the confession by John Siemsen and Louis Dabner that they committed the crime for which he was imprisoned. The confession was so circumstantial and accurate in its details as to leave no doubt of its truth. Dr. T. B. W. Leland, the prosecuting witness, acknowledged that he was mistaken in identifying Dowdall, and recommended his pardon. The papers were referred to the Justices of the Supreme Court, who recommended pardon, saying: "We are satisfied from an examination of the papers accompanying his application that his conviction was due to mistake of identity."

December 6, 1906. Edward Pincus, convicted of vagrancy in the Police Court of Los Angeles City in March, 1903, and sentenced for six months in the County Jail. The judgment was entered upon the failure of Pincus to appear, and after his bail of five dollars had been forfeited. It was represented that sentence was passed without the knowledge of Pincus, and that, although it was never set aside, there had never been any effort on the part of the Los Angeles officials to take him into custody, though nearly four years had elapsed and he had lived openly and decently in said city. He was pardoned on the recommendation of W. H. Savage, John W. Stetson, Dr. H. J. Daniels, and others familiar with the facts.

COMMUTATIONS OF SENTENCE.

January 7, 1905. Rosie Alameda, convicted in December, 1904, of vagrancy before the Police Court of the City of Oakland, and sentenced for a term of six months in the City Prison. It was represented by Anita C. Whitney, Secretary of the Associated Charities; Warren Olney, Mayor of Oakland; J. W. McClymonds, City Superintendent of Schools, and other workers in charitable organizations, that the associations in the prison would thwart all effort to reform said prisoner, and that her extreme youth (sixteen years) rendered it possible to effect her reformation by means of proper influences and surroundings. Having served one month in prison, which, under the circumstances, was ample punishment, she was released.

January 18, 1905. Joseph Bryan, convicted on two charges of burglary in Sonoma County, in April, 1896, and sentenced for a term of twenty years. His term was commuted to expire January 23, 1905. It appears that a rumor current at the time of the trial to the effect that Bryan was concerned in a still more serious crime, lately committed, contributed to the severity of the sentence. This rumor was afterwards found to be without foundation. Bryan's petition was indorsed by S. K. Dougherty, who presided as Judge at the trial; Emmett Seawall, the District Attorney, who prosecuted the case; A. G. Burnett, A. B. Lemmon, J. A. Barham, and other prominent citizens of Sonoma County. A majority of the Justices of the Supreme Court also recommended clemency in this case.

January 23, 1905. John E. Sexton, convicted in El Dorado County, in January, 1900, of extortion, and sentenced for a term of two years. His sentence was commuted to expire January 30, 1905. Counting the time spent in the County Jail awaiting trial and appeal, Sexton had served all but one month of his full sentence.

In passing upon Sexton's case the Supreme Court said, "Owing to the peculiar circumstances of the case, and the character of the evidence relied upon to support the verdict, we think the law would have been well satisfied with a judgment finding the defendant guilty of a misdemeanor." It was these considerations which were urged by citizens of El Dorado County and elsewhere to warrant Sexton's release, among such citizens being C. E. Peters, District Attorney; G. J. Carpenter, W. F. Bray, James W. Keys, W. C. Van Fleet.

May 2, 1905. Thomas Cody, convicted in Los Angeles County in December, 1901, of grand larceny, upon two separate informations, and sentenced for a term of ten years. His term was commuted to expire July 1, 1905. The recommendation for Cody's release was signed by the State Board of Prison Directors and by B. N. Smith, the Judge who presided at the trial. The resolution of the Board recites that Cody's offense consisted in the stealing of two bicycles, and that the sentence was disproportionate to the crime committed. It also certified that his conduct as a prisoner was exemplary and that he had rendered faithful and valuable services to the State.

May 2, 1905. Charles H. Parks, convicted in Solano County in September, 1900, of rape, and sentenced for a term of twenty years. His term was commuted to expire on the first Monday in May, 1906. Clemency in this case was granted upon the recommendation of the trial Judge, A. J. Buckles, and upon a statement of the case showing extenuating circumstances. There was also presented a sworn statement by the prosecuting witness exonerating Parks from complicity in the crime.

May 9, 1905. Frank Kelly, convicted in Sacramento County in April, 1897, of burglary in the first degree and prior, and sentenced for a term of fifteen years. His term was commuted to expire May 15, 1906. It appears from the statement signed by Max P. Fisher, the arresting officer; E. C. Hart, the committing Judge; F. D. Ryan, District Attorney at the time of the trial, and A. M. Seymour, present District Attorney, that Kelly was not the leader in the crime, and that after his conviction he imparted valuable information to the officers, which assisted materially in obtaining other convictions. At the time of his release he had served a term equivalent to a sentence of about twelve years.

May 9, 1905. Espolinario Martinez, convicted in Los Angeles County in June, 1903, of rape, and sentenced to the minimum term of five years. His term was commuted to expire May 15, 1905. The release was granted upon the recommendation of Judge B. N. Smith and District Attorney Fredericks. The Judge stated that if any discretion had been given him under the law Martinez would never have been sentenced to the State Prison, since it was clearly shown that the offense was committed without criminal intent, and with the consent of the prosecutrix, whom Martinez had lived with as man and wife.

June 14, 1905. Albert L. Williams, convicted in Merced County in December, 1888, of murder in the first degree, and sentenced to life imprisonment. His term was commuted to expire July 3, 1905. The release of Williams was recommended by C. H. Marks, the committing Judge; a majority of the trial jurors, and by a majority of the Justices of the Supreme Court. It appears that the crime was committed without the appearance of any murderous motive, and without premeditation or malice, the relations between Williams and the deceased being of the friendliest nature at the time of the homicide, and the shooting having occurred under circumstances which might well bear out the theory of accidental homicide, or at most of manslaughter. Williams had served a term equivalent to a sentence of twenty-seven years.

June 20, 1905. William J. Hamilton, convicted in June, 1905, of drunkenness and vagrancy before the Police Court of Oakland, and sentenced to a term of thirty-three days in the City Jail. He was released by commutation, after serving about half of his sentence, upon a statement of facts by W. R. Thomas, Commander of Appomattox Post, No. 50, G. A. R., and upon the recommendation of George Samuels, the committing Judge. The statement showed that Hamilton was in no sense a vagrant, but was employed at San José, and had come to Oakland to prepare vouchers for his quarterly pension.

August 14, 1905. Christopher Murphy, convicted in Alameda County in September, 1904, of assault with a deadly weapon, and sentenced to a term of eighteen months in the County Jail. He was granted clemency upon a statement of facts indorsed by the following citizens of Oakland, viz: Alexander Young, Jr., L. L. M. Salsburg, E. M. Gibson, W. G. Palmanteer, H. Abrahamson, M. J. Keller, and Frank Barnet. Murphy's offense consisted in participating in a general fight, started in a crowd returning from a public picnic, in which many others took part, none of whom were prosecuted for their part in the affair. At the time of his release Murphy had served all but four months of his sentence.

August 18, 1905. Walter Tallmadge, convicted in Tulare County in November, 1896, of grand larceny, and sentenced for a term of eighteen years. He was released upon the recommendation of a majority of the Justices of the Supreme Court and upon a report by Charles F. Gladding, the prison physician, to the effect

that the prisoner was suffering from an incurable ailment. Tallmadge's crime consisted in the stealing of hogs, and it appears that the sentence was out of all proportion to the offense committed.

September 22, 1905. James K. McKenzie, convicted of battery in San Francisco in June, 1905, and sentenced for five months in the County Jail. His term was commuted on the recommendation of the committing Judge, George H. Cabaniss, who stated that in the light of subsequent developments the sentence was too severe, the offense being that of drunkenness and disorderly conduct. The petition was indorsed by the prosecuting attorney, J. M. Hanley; by Sheriff P. J. Curtis, and by other officials of the County Jail.

October 11, 1905. William Crawford, convicted of battery in Kern County in May, 1905, and sentenced for six months in the County Jail. The petition was indorsed by the committing Judge, A. W. Marion; Hon. S. C. Smith, Congressman, and R. L. Stockton, Superintendent of Schools, and recited that facts were disclosed subsequent to the trial mitigating the seriousness of Crawford's offense.

October 23, 1905. J. J. Donnelly, convicted in San Francisco in October, 1894, of robbery with a prior conviction of misdemeanor, and sentenced to life imprisonment. This is one of the several cases in which the committing Judge had no discretion in imposing sentence, the law then being such that no lesser punishment could be given in cases where the prisoner was convicted of robbery with a petit prior. W. T. Wallace, the committing Judge, writes: "The statute, which I am informed has since been repealed, compelled me to sentence the man for life. The circumstances are peculiar. Of course he has suffered enough, and I hope that you will intervene in his behalf." Donnelly had served a term equivalent to a sentence of about nineteen years. His term was commuted to expire in June, 1908.

October 23, 1905. Thomas McDonough, convicted in San Francisco in October, 1894, of robbery, and sentenced for twenty years. The State Prison Directors recommended the release of McDonough as "specially deserving of consideration by reason of his conscientious performance of prison duties, his consistent good conduct and the evidence of his complete reformation," and a majority of the Justices of the Supreme Court concurred in such recommendation.

October 23, 1905. Beito Linares, convicted in Los Angeles County in June, 1902, of robbery, and sentenced for ten years. Linares was released upon the petition of the officers of the County Jail at Los Angeles, indorsed by Henry T. Gage, J. D. Fredericks, Frank P. Flint, George P. Adams, and other prominent citizens of Los Angeles County. The petitioners state that while a prisoner at the County Jail Linares did signal service to the community by preventing, at the risk of his life, a general jail delivery.

October 23, 1905. William Wilson, convicted in San Joaquin County in April, 1901, of robbery with a petit prior, and sentenced to life imprisonment. This case is similar to the case of Donnelly (*supra*) where the committing Judge had no alternative in pronouncing sentence. Upon the statement of Judge Edward I. Jones that, if discretion had been vested in him, he would have imposed a sentence of only ten years, the term of Wilson's imprisonment was commuted to expire in April, 1910.

October 23, 1905. William Berry Holland, convicted in Alameda County in August, 1895, of robbery with a petit prior, and sentenced to life imprisonment. This case is similar to those of Donnelly and Wilson (*supra*). Judge A. L. Frick stated that if discretion had been vested in him, he would not have imposed a sentence exceeding twenty years. Upon this showing Holland's sentence was commuted from life imprisonment to a term of twenty years.

October 24, 1905. George Green, convicted in San Francisco in April, 1901, of robbery with a petit prior, and sentenced to life imprisonment. This case falls in the same class as that of Donnelly, Wilson, and Holland. Judge Cook states regarding the sentence: "Had the statute stood then as it stands now, I should, in consideration of his having pleaded guilty, have imposed the minimum sentence permitted, to wit, ten years. As it did stand, however, I had no discretion, and was compelled to sentence Green to life imprisonment for stealing fifty cents." The sentence of Green was accordingly commuted to a term of ten years.

November 14, 1905. A. E. Eldridge, convicted in San Bernardino County in January, 1904, of forgery, and sentenced for two and one half years. On April 1, 1905, Eldridge was released on parole, and took up his residence in San Diego, where he obtained a responsible position, and won the respect of the community. Upon the recommendation of M. L. Ward, D. C. Collier, and other prominent citizens, Eldridge was released from the restrictions of the parole law by commutation of sentence.

November 28, 1905. John S. Leroy, convicted in Glenn County in October, 1891, of murder in the first degree, and sentenced to life imprisonment. On January 7, 1904, Leroy was paroled by the Prison Directors, and took up his residence in Kings County, where he has lived an exemplary life. The evidence upon which

Leroy was convicted was wholly circumstantial, and many responsible persons, familiar with the facts, expressed their belief in his innocence, among such being D. K. Trask of Los Angeles. The petition for Leroy's release was also signed by M. L. Short and W. V. Buckner, Judge and Sheriff respectively of Kings County.

December 21, 1905. John Mahatch, an Indian, convicted in Del Norte County in June, 1904, of murder in the first degree, and sentenced to be hanged. On October 10, 1904, upon the recommendation of Marshall B. Woodworth, United States Attorney for the Northern District of California, who had been requested by the Attorney-General of the United States to investigate the case, a reprieve was granted said Mahatch. Before the expiration of the reprieve the death sentence was commuted to life imprisonment upon the recommendation of the seven Justices of the Supreme Court, and the report of Mr. Woodworth, which showed that the case was not one deserving the extreme penalty, both Mahatch and the person killed being engaged in a drunken row at the time of the killing.

December 22, 1905. J. J. Alvarez, convicted in San Diego County in February, 1880, of murder in the first degree, and sentenced to life imprisonment. The State Board of Prison Directors twice recommended the release of Alvarez, and favorable letters were received from the committing Judge, five of the jurymen, and from the representatives of the Mexican Government at Washington, D. C., and San Francisco. The ground of the various petitions was that the crime was more of the nature of manslaughter than of deliberate murder. The commutation was made conditional upon his departing from California.

December 23, 1905. Percy Holt, convicted in Sacramento City in July, 1905, of petit larceny, and sentenced for a term of six months in the County Jail. At the time of his conviction Holt was under the age of eighteen years. The commutation of sentence was granted upon the recommendation of R. M. Clarken, the committing magistrate, who stated that the sentence was imposed without full knowledge of the circumstances of the case and the previous good record of the prisoner. The petition was also indorsed by S. Luke Howe, City Attorney, and John C. March, City Justice.

December 23, 1905. Edward Sprague, convicted in Yolo County in July, 1905, of attending a boxing contest, and sentenced for a term of three hundred days in the County Jail. At the time of his release Sprague had served over five months of his sentence. Sprague pleaded guilty to the charge, expecting a fine only to be imposed. H. L. Huston, District Attorney, and E. T. Lampton, committing magistrate, recommended clemency, stating that if all the facts of the case had been brought to their knowledge Sprague would not have been so severely dealt with.

January 8, 1906. John Murbach, convicted in Napa County in February, 1883, of murder in the first degree, and sentenced to be hanged, which sentence was thereafter commuted to life imprisonment by Governor Stoneman. The present order of commutation was made on condition that Murbach depart for the State of New York and never return to this State. W. E. Price, a responsible citizen of New York, undertakes to care for him during the remainder of his life. The crime was committed while Murbach and the deceased were in a hand-to-hand fight, and the facts indicated manslaughter rather than murder. Murbach had served a term equivalent to a sentence of thirty-seven years.

January 13, 1906. George Barker, convicted in San Francisco in June, 1898, of robbery, and sentenced to imprisonment for life. Barker's term was commuted to expire on January 22, 1906, upon condition that he leave the State. The order of release was made because of the confession of T. F. Gorman, a convict under death sentence in the State of Nevada, who exonerated Barker from complicity in the robbery, and stated the facts of the crime with such detail and accuracy as to leave no doubt of the truth of his confession. It was believed, however, that Barker had a guilty knowledge of the crime, it being shown that his previous record was bad and that he had close association with the perpetrators of the crime. For this reason he was not given a full pardon.

January 29, 1906. John Grant, convicted of adultery in Contra Costa County, in November, 1905, and sentenced to imprisonment for four months in the County Jail. Grant was released upon the recommendation of W. S. Wells and H. V. Alvarado, Superior Judge and District Attorney respectively of Contra Costa County, who stated that after the passing of sentence in this case, the Supreme Court, upon a similar state of facts had held that no crime was committed, there being no knowledge on the part of the community as to the actual relations of the parties charged with adultery.

January 31, 1906. Larue Calmes, convicted in Los Angeles in November, 1905, of non-support of his family, and sentenced for one hundred and fifty days in the City Jail. The petition for clemency was indorsed by J. F. Chambers, the committing magistrate, and Wm. Frederickson, prosecuting attorney, who stated that the wife of the prisoner was ill and without means or strength to obtain necessaries for her two small children, and that, having served over half of his sentence, the prisoner should be given opportunity to provide for his family.

March 26, 1906. John Murphy, convicted in San Francisco in February, 1902, of robbery, with a petit prior, and sentenced to imprisonment for life. This case is similar to that of Donnelly and others (*supra*) where the committing Judge had no alternative as to sentence. Judge Cook, who passed sentence, said: "Had it not been for Section 666 of the Penal Code, as it then stood, I should not have imposed more than a ten-year sentence." Accordingly the sentence was commuted to a term of ten years.

April 7, 1906. William Shanks, convicted in Napa County in May, 1906, of disturbing the peace, and sentenced for ninety days in the County Jail. The release was made upon the recommendation of Raymond Benjamin, District Attorney, who stated that Shank's only offense was his addiction to the liquor habit, that "the purposes of his punishment have been entirely served, and it will be to his benefit and that of his needy family that he be pardoned." Luther J. Evans of Napa also indorsed the petition and agreed to give steady employment to Shanks.

April 17, 1906. John Oakes, convicted in Los Angeles in February, 1906, of battery, and sentenced for ninety days in the City Jail. The release of Oakes was ordered upon the recommendation of W. C. Patterson, member of the State Board of Charities, Rev. P. H. McDonnell, of St. Vincent's Church, and H. H. Rose, the committing magistrate, all of whom represented that imprisonment had effected a complete reformation, and that the aged wife of the prisoner was in dire need of his aid and comfort.

April 26, 1906. Wm. F. Hopkins, convicted in San Francisco of simple assault, and sentenced for ninety days in the County Jail. Upon the recommendation of Captain H. N. Morse and Captain J. J. Callundan, the prisoner was released. They represented that by reason of the fire and earthquake the prisoner's mother was alone and unprotected and on the verge of collapse, and was greatly in need of his care.

April 28, 1906. James Fitzpatrick, convicted in San Francisco in September, 1905, of burglary, and sentenced for a term of one year. It was shown that the earthquake and fire had reduced the family of Fitzpatrick to a condition where his aid and counsel were of immediate necessity, and having creditably served all but two months of his sentence he was released.

May 5, 1906. Donald A. Urquhart, convicted in Kern County in December, 1901, of forgery upon two counts, and given an aggregate sentence of ten years. The Board of State Prison Directors recommended the release of Urquhart because of his good conduct as a prisoner and the severity of his sentence, and J. W. Mahon, the committing Judge, approved the bestowal of clemency. Urquhart had served a term equivalent to a sentence of over eight years.

May 31, 1906. John McClure, convicted in Los Angeles County in March, 1905, of murder in the first degree, and sentenced to be hanged on May 4, 1906. Upon the recommendation of Chief Justice Beatty and Associate Justice Shaw, of the Supreme Court, the sentence of McClure was reprieved to June 8, 1906, to afford time to investigate the case. Fuller statements of the case were thereafter presented and the sentence of McClure was commuted to life imprisonment upon the recommendation of said Justices, it being shown that the act of McClure had not the accompaniments that betray an abandoned and malignant heart; that he was a cripple, aged, poor, and friendless, and that he committed the act to enforce his supposed rights, and out of sudden anger arising from the unjust treatment he had received from the person killed.

June 9, 1906. Julia Wilson, convicted in San Francisco in February, 1906, of vagrancy, and sentenced for a term of six months in the County Jail. The prisoner was released upon the recommendation of W. H. Langdon, District Attorney, who certified that, since her confinement in jail, she had given birth to a child, and that the accommodations were entirely inadequate for the proper care of mother and child.

June 20, 1906. John A. Harmon, convicted in San Francisco in January, 1903, and sentenced for seven years. His term was commuted to expire on November 5, 1906, upon the representation of the Folsom Prison officials that said Harmon gave intelligence to the prison officials of the contemplated break in July, 1903, and that later at the trial of the captured convicts, he testified as a witness on behalf of the prosecution. It was shown that by reason of his said services to the State said Harmon had incurred the ill-will of his fellow convicts, to such an extent that his life was not safe in their company, and he was therefore kept in solitary confinement.

June 26, 1906. Thomas Gormley, convicted in Los Angeles County in November, 1887, of rape, and sentenced for fifty years. The order of release was made upon the recommendation of Wm. A. Cheney and J. R. Dupuy, the Judge and District Attorney respectively at the trial. Judge Cheney stated that the long sentence of fifty years was imposed more because of the prevalence of crime at the time than for any other reason. Gormley's conduct as a prisoner during his confinement of nearly twenty years was exemplary.

June 26, 1906. F. O. Meister, convicted in San Francisco in January, 1906, of obtaining money under false pretenses, and sentenced for a term of nine months in the County Jail. The release of Meister was recommended by F. H. Dunne and W. H. Langdon, the Judge and the District Attorney respectively officiating at the trial. They stated that Meister's family had lost their home and support as a result of the earthquake and fire, and were in great need of his assistance. Meister had served seven out of his nine months' sentence.

June 26, 1906. Eugene Sutherland, convicted in Amador County in April, 1905, of rape, and sentenced for five years. R. C. Rust, the committing Judge, and C. P. Vicini, the District Attorney prosecuting the case, represented that the crime was one of constructive rape only, there being no violence or persuasion, and the person raped having the appearance of being over the statutory age, and consenting to the act. The Judge stated that, had he the power, he would have imposed a sentence of only one year. Sutherland's term was accordingly commuted to expire July 30, 1906.

June 26, 1906. Fred H. Taylor, convicted in Solano County in May, 1906, of disturbing the peace, and sentenced to pay a fine of ninety dollars or be imprisoned in the County Jail for ninety days. Taylor was released on the recommendation of Lieutenant F. N. Fillmore, of the U. S. Navy; John A. Brown, the committing magistrate; L. G. Harrier, Superior Judge, and T. T. C. Gregory, District Attorney. Lieutenant Fillmore stated that Taylor served on board the fire tug "Leslie" during the earthquake and fire in San Francisco, and did heroic service, his hilarious condition having undoubtedly been brought on by a relaxation from the strain of continuous rescue work.

June 26, 1906. Fred Wilson, convicted in San Francisco in March, 1901, of burglary with a petit prior, and sentenced for fifteen years. His sentence was commuted to a term of ten years on the recommendation of Judge Carroll Cook, the case being one where there was no alternative, under the law, but to give the sentence imposed. The case is similar to that of Donnelly and others (*supra*).

July 5, 1906. John W. Sanders, convicted in San Francisco in July, 1899, of murder in the first degree, and sentenced to life imprisonment. On December 20, 1903, the State Board of Prison Directors granted a parole to Sanders, who has since resided in Mendocino County, where he has led an exemplary life. Having been imprisoned for a term equivalent to a sentence of thirty years, he was given his freedom by commutation, the following citizens, among others, petitioning therefor: Judge J. Q. White, J. B. Sanford, John L. McNab, H. H. Miller, and J. H. Smith.

July 5, 1906. Joseph Harveston, convicted in Santa Cruz County in March, 1898, of mayhem, and sentenced for fourteen years. On October 10, 1903, Harveston was paroled by the Prison Board, and he has since lived an upright life in Santa Cruz County. Following are a few of the many responsible signatures to his petition: Judge L. F. Smith, F. A. Hihn, Duncan McPherson, F. D. Baldwin, A. A. Morey, and J. J. Leonard. His term was commuted to expire in July, 1906.

July 16, 1906. B. Roselli, convicted in Los Angeles County in March, 1906, of violating the "Child Labor Act," and sentenced for a term of five days in the City Jail. It was shown that while technically guilty of the offense, which consisted in permitting a minor child to be employed about his store, there was no intent to violate the law. The petition was indorsed by Joseph F. Chambers, the committing Judge; George Beebe and Guy Eddie, prosecuting attorneys, and W. V. Stafford, Commissioner of the Bureau of Labor Statistics.

July 16, 1906. J. H. Swain, convicted in Los Angeles in October, 1905, of a misdemeanor, and sentenced to pay a fine of fifty dollars and be imprisoned in the City Jail for thirty days. H. H. Rose, the committing magistrate, and Wm. Fredericks, prosecuting attorney, recommended clemency, certifying that Swain was in a weak condition from pulmonary disease and that confinement in jail would greatly endanger the chances of his recovery. A certificate signed by Dr. J. W. Jauch corroborated this statement regarding the serious consequences of confinement. Accordingly he was released by commutation of sentence.

July 21, 1906. Earl Duke, convicted in Stanislaus County in May, 1905, of grand larceny, and sentenced for two years. At the time of the crime Duke was but eighteen years of age and pleaded guilty without urging extenuating facts which have since come to light. Having served all but six months of his sentence he was released upon the recommendation of L. W. Fulkerth, the committing Judge, and L. J. Maddux, District Attorney.

August 30, 1906. D. McVicker, convicted in Napa County in June, 1906, of selling liquor within one and one-half miles of the Veterans' Home, and sentenced to a term of 120 days in the County Jail. It was represented by responsible persons that while McVicker was technically guilty, nevertheless he had no criminal intent, believing at the time that he was acting within the law. Over two hundred citizens of Napa County signed the petition, including H. C. Gesford, Superior Judge;

I. W. McKnight, the committing magistrate; D. A. Dunlap, Sheriff; F. L. Coombs, and George A. Carrere.

September 12, 1906. Chas. J. Fox, convicted in Los Angeles in March, 1906, of embezzlement and sentenced for a term of six months in the City Jail. Because of the distressing situation into which the conviction placed the wife of Fox, who, with her infant child, were without means of support, the trial Judge released him upon bonds, pending the Governor's action. W. B. Mathews, City Attorney of Los Angeles, was requested to investigate the case, and, upon his favorable report the order of release was issued.

October 2, 1906. James A. Cassaday, convicted in Napa County in September, 1904, of burglary in the first degree, and sentenced for nine years. It satisfactorily appeared that the sentence was excessive, the crime consisting in breaking into a chicken house. The petition was signed by all of the trial jurors, Theodore A. Bell, Robert Corlett, Dr. W. W. Rumsey, H. M. Meacham, and nearly two hundred other citizens of Napa County.

October 2, 1906. Chester Stephens, convicted in Sacramento County in September, 1906, of petit larceny, and sentenced for a term of six months in the County Jail. It appears that the sentence was out of proportion to the offense, which consisted in the stoning and taking of a chicken which the prisoner and a companion encountered on the road, and for which they paid the sum of one dollar to the owner when he appeared. The order of release was made upon the recommendation of C. L. Pugh, the committing magistrate, and Ezra Casselman, the prosecuting witness.

October 2, 1906. Walter W. Haskell, convicted in Sacramento County in September, 1906, of petit larceny, and sentenced for a term of six months in the County Jail. Haskell was convicted jointly with Chester Stephens (*supra*), and was released for the reasons assigned above.

October 11, 1906. Edward Hilder, convicted in Lassen County in August, 1895, of rape, and sentenced for thirty years. His term was commuted to expire in October, 1908, and the order was made upon the recommendation of the State Prison Directors, who desired to release Hilder on parole, but could not do so under their rules until his term had been shortened. The case was one of constructive rape only, there being no violence, and the female consenting to the act.

October 11, 1906. George Edwards Mathews, convicted in Fresno County in August, 1903, of rape, and sentenced for thirty years. His term was commuted to expire in October, 1906, upon the recommendation of H. Z. Austin, the committing Judge; O. L. Everts, District Attorney at the time of trial; Geo. W. Jones, present District Attorney; J. D. Collins, Sheriff; Frank H. Short, A. M. Drew, Dr. Chester Rowell, and many other responsible citizens of Fresno County. It was represented by them that the case was one of constructive rape only, the female freely consenting to the act.

October 11, 1906. Thomas Evans, convicted in Nevada County in March, 1898, of murder in the first degree, and sentenced to imprisonment for life. His sentence was commuted to a term of fifteen years upon the recommendation of the State Prison Directors. It was represented that the killing was the result of a hand-to-hand encounter succeeding a quarrel, and that the crime was more in the nature of manslaughter than murder. The petition was signed by F. T. Nilon, the committing Judge; C. E. Clinch, W. H. Martin, David E. Morgan, L. S. Calkins, and over one hundred other responsible citizens of Nevada County.

October 25, 1906. B. F. Edwards, convicted in Los Angeles County in September, 1902, of grand larceny, upon two counts, and given an aggregate sentence of eight years. The State Prison Directors recommended the release of Edwards, representing that his sentence was too severe, the crime consisting in the larceny of two bicycles. This recommendation was concurred in by a majority of the Justices of the Supreme Court, and by B. N. Smith, committing Judge; James C. Rives, District Attorney at the trial, and W. H. Auble, Chief of Police.

November 14, 1906. Charles Humphreys, convicted in Tulare County in January, 1906, of burglary in the second degree, and sentenced for two years. Since his trial, at which he pleaded guilty, facts came to light which, if known at the trial, would have prompted a lighter sentence. The release of Humphreys was consented to by W. B. Wallace, the committing Judge, and Daniel McFadzean, District Attorney of Tulare County.

November 26, 1906. Charles Anderson, convicted in Monterey County in March, 1901, of robbery, and sentenced for twenty years. Anderson was released upon the certificate of Dr. Percy Sumner, the prison physician, to the effect that he was suffering from chronic consumption and that his only hope for recovery lay in being removed to a different climate. The petition for clemency was indorsed by N. A. Dorn, the committing Judge; I. H. Anderson, then District Attorney; also by B. V. Sargent and Fred A. Treat, at present Judge and District Attorney respectively of Monterey County.

November 26, 1906. David R. Wyman, convicted in San Mateo County in December, 1901, upon charges of burglary and grand larceny, and sentenced for an aggregate term of fifteen years. His sentence was commuted to expire December 3, 1906, upon the recommendation of Judge George H. Buck and District Attorney J. J. Bullock, who represented that on account of the youth of Wyman and his previous good record the sentence was too severe, but that under the law no lesser sentence could be given than the one imposed. Over one hundred prominent citizens of San Mateo County indorsed the petition, and a majority of the Justices of the Supreme Court also recommended clemency in this case.

November 30, 1906. Charles Wyman, convicted of a violation of the election laws in San Francisco in June, 1905, and sentenced for three years. His sentence was commuted to expire at once upon the recommendation of Mr. Rudolph Spreckels, Mr. Francis J. Heney, Assistant District Attorney of San Francisco, and William J. Burns, who was connected with the office of the District Attorney in San Francisco. These gentlemen assured me that the release of Wyman would aid in the administration of justice.

November 30, 1906. Adolph Steffens, convicted of a violation of the election laws in San Francisco, in April, 1905, and sentenced for three years. His case was in all respects like that of Wyman, and he was also released upon the recommendation of Messrs, Spreckels, Heney, and Burns, upon the same assurance made in the case of Wyman.

December 6, 1906. William Morse, convicted of battery in the Justice's Court of San Diego in September, 1906, and sentenced for a term of six months in the County Jail. Upon a sworn statement by Dr. Albert J. Elliott that the prisoner was in a precarious condition of health, and upon the urgent recommendation of District Attorney Cassius Carter that clemency be granted, Morse was released by a commutation of sentence.

December 6, 1906. Patrick O'Reilly, convicted of murder in Mendocino County in June, 1887, and sentenced to life imprisonment. In August, 1904, he was paroled by the Prison Board because of good conduct and of extenuating circumstances connected with his offense. Having conducted himself well on parole for over two years, and upon strong recommendations by Judge Rutlege, District Attorney Mannon, and Hon. J. E. Pemberton his sentence was commuted so that he might be freed from parole restrictions.

December 6, 1906. C. B. Wilcox, convicted of murder in the second degree in Santa Clara County in May, 1892, and sentenced to life imprisonment. Because of long and faithful service as a prisoner he was released on parole by the Prison Board in November, 1903. Over three years having elapsed since his parole, and the Prison Board having by resolution recommended his discharge by commutation of sentence, and satisfactory evidence being produced that he was worthy of clemency, the order of commutation was issued.

December 6, 1906. Ira Abbott, convicted in Nevada County in October, 1894, of murder in the second degree, and sentenced for thirty years. In December, 1903, he was paroled by the Prison Board and has since lived an exemplary life in his community. Upon the petition of C. E. Clinch, John R. Tyrrell and other responsible citizens of Nevada County, who were familiar with the facts of the case, the parole restrictions were removed by commutation of sentence.

December 6, 1906. John H. Williams, convicted in Nevada County in May, 1882, of murder, and sentenced to life imprisonment. Williams was released on parole by the Prison Board in August, 1904, and has since lived a correct life in Sacramento County. Upon the recommendation of the Prison Board, supplemented by a strong petition presented by L. T. Hatfield and others, his conditional freedom was made absolute by commutation of sentence. At the time of his release he had served a term equivalent to a sentence of over forty-one years.

December 6, 1906. Benjamin Dice, convicted of murder in the second degree in Tulare County in March, 1897, and sentenced for twenty years. In June, 1904, he was paroled by the Prison Board, and has since been supporting his wife and seven children. He was freed from the restrictions of the parole law upon the recommendation of Hon. Wheaton A. Gray, presiding Justice of the Second District Court of Appeal, who was the trial Judge in the case.

December 6, 1906. Robert Lee Horrell, convicted of murder in the first degree in Solano County in May, 1892, and sentenced to life imprisonment. Because of good conduct during his long confinement, and of mitigating facts connected with the crime, Horrell was released on parole by the Prison Board, and has since lived an exemplary life. Upon the recommendation of Mr. John McNaught, Col. George H. Pippy, and Mrs. Mary E. Hart, Horrell's term was commuted to expire on the first Monday in May, 1907.

December 7, 1906. Robert M. Wilson, convicted in Tulare County in November, 1893, and sentenced to life imprisonment. In January, 1904, Wilson was released on parole by the Prison Board, and has since occupied the position of foreman on

a large dredger. Mr. I. L. Borden, vice-president of the Bank of Alameda, vouched for the merits of the application. Wilson had served a term equivalent to a sentence of over twenty-one years.

December 19, 1906. Charles Kline, convicted in San Francisco in February, 1896, of burglary and sentenced for fifteen years. After serving about two years of his sentence, Kline escaped from prison and within ten days was arrested in Utah for stealing food, and was given a sentence of ten years in that State, which sentence he served out with credit. At the time Kline was released from the Utah State Prison I received letters from many prominent citizens of that State, among them being Governor Cutler, and a memorial signed by the officers of the prison, all urging me to commute the unexpired term pending against Kline in this State, and representing that he had completely reformed and had rendered valuable services to the State of Utah during his confinement. I deemed it best, however, to have him returned to this State to further expiate the offenses committed here. On December 19, 1906, his sentence was commuted by me to a term of seven years upon the urgent request of Hon. A. M. Drew, Hon. W. A. Johnstone, and other responsible persons, who vouched for the merits of the case, and upon the recommendation of a majority of the Justices of the Supreme Court.

December 19, 1906. Harvey Fowler, convicted in Los Angeles County in June, 1900, of robbery, and sentenced for twenty years. Upon a certificate by Dr. Percy Sumner, physician at San Quentin Prison, to the effect that Fowler was totally and hopelessly blind, as well as upon the assurances by responsible persons that Fowler, who is over sixty years of age, and an ex-Union soldier, would be cared for in the Soldiers' Home, I commuted his term to expire on December 24, 1906. A majority of the Justices of the Supreme Court also recommended that clemency be granted in this case.

January 3, 1907. George Donnelly, convicted of grand larceny and prior in San Francisco in November, 1895, and sentenced for thirty-five years This is one of two cases in which Archibald Yell, Warden of Folsom Prison, makes a special recommendation of clemency. Among other things the Warden says: "During the past few years he has turned over a 'new leaf,' and has shown a decided disposition to lead an upright life. I am convinced, as near as one can be of such things, that if he could get an opportunity to show his reformation he would so so. I would suggest that if you could see your way clear for doing so, you commute his sentence to twenty years." I have accordingly ordered that Donnelly's sentence be commuted to a term of twenty years, subject to the approval of a majority of the Justices of the Supreme Court.

January 3, 1907. Wong Fook Sam, a Chinaman, convicted of perjury in San Francisco in June, 1904, and sentenced for three years in the State Prison at San Quentin. Upon the urgent recommendation of Judge Carroll Cook and District Attorney Wm. H. Langdon, Fook's sentence was commuted to one month, which, added to his term of imprisonment in the County Jail, will more than make up the sentence imposed by the court. The following minute order by Judge Cook shows the reasons for extending clemency in this case:

"I will state here in open court that I am satisfied that the time this prisoner has spent in the jail has been spent for the purpose of enabling the District Attorney's office to secure a ruling from the appellate tribunal in relation to the probation act, which might govern the court in future cases, and that ruling has been had, and that in aiding the State to secure such ruling the prisoner has been kept in the County Jail until the term to which he was sentenced to the State Prison has passed.

"It is not through his individual fault or the fault of his counsel that his term has not been spent in the State Prison.

"I feel, therefore, it is a case, if there ever was a case, in which executive clemency should be extended and that he should be pardoned by the Governor.

"Further than that, from facts that have come to my knowledge relative to the testimony given on the trial, I have very grave doubts as to his guilt at all, and I feel if I had been in the possession of facts I am now in possession of, at the time sentence was pronounced, I never would have pronounced any at all, believing that his conviction was secured by some testimony which was fabricated."

January 3, 1907. Roland Edwards, convicted in San Francisco in May, 1902, of attempt to rape, and sentenced to the State Prison at San Quentin for seven years. Because of an appeal taken and the subsequent issuance of stay orders, Edwards is still confined at the San Francisco County Jail. He has been imprisoned for a term equivalent to the sentence imposed by the court. I commuted his term to one day. In addition to having served practically all of his sentence, a reading of the record shows that the offense, if committed, was not an aggravated one, the attempt being made without force and without any physical injury. The main witness for the prosecution has since been convicted of a felony and other witnesses for the prosecution have since shown their unreliability, all of which bears out the contention of the defense that the crime was exaggerated by the malice of the witnesses.

January 3, 1907. Patrick Ryan, convicted in San Francisco in February, 1885, of robbery with a prior conviction of petit larceny, and sentenced to life imprisonment. This case is the same as that of several others, mentioned above, in which the Judge had no alternative but to impose life imprisonment. Judge D. J. Toohy, who tried the case, recommended the release of Ryan, saying that he had served long enough and that he was compelled, under the law, to impose an over-severe sentence. In addition to this reason for release, some doubt has been raised by the confession of one James Kelleher, who maintains that it was he and not Ryan who committed the crime. The matter was referred to Judge Carroll Cook for investigation, who examined Kelleher, and reported that as a result he had grave doubts as to Ryan's guilt, and for that reason recommended his release. His term was accordingly cut short by commutation of sentence.

January 3, 1907. George Cameron, convicted in San Francisco in September, 1898, of burglary with a previous conviction of felony, and sentenced to life imprisonment. The crime committed by Cameron consisted in the stealing with two companions of some bolts of cloth from a tailor shop, and was characterized by no aggravated features sufficient to warrant the very severe sentence imposed. His accomplices were given but five years each, although one, like Cameron, had been before convicted of a felony. Under all the circumstances, I believed that a sentence of fifteen years will be ample punishment in this case, and I accordingly ordered his sentence commuted to that term. This order to become effective must receive the consent of a majority of the Justices of the Supreme Court, which consent has been asked for.

January 3, 1907. Fred Raabe, Jr., convicted in San Francisco in May, 1904, upon two counts for robbery, and given an aggregate sentence of twenty years. I ordered his release by commutation of sentence upon the certificate of Dr. C. F. Gladding, the physician at Folsom Prison, who states: "He is a sufferer from asthma. He has been under my care and treatment for over two years, and of late the paroxysms are more frequent—as often as once a week. He is in a very emaciated condition, being also a constant sufferer from gastric and cardiac trouble. In my opinion he is liable to pass away in one of these paroxysms." For this reason and because of the youth of the prisoner at the time of the crime (eighteen years), the following persons recommended the release of the prisoner: Lewis F. Byington, the District Attorney who prosecuted the case; C. F. Curry, E. C. Hart, George W. Wittman, J. W. Hughes, J. C. B. Hebbard, and James G. Maguire. The release of the prisoner by commutation of sentence was ordered, subject to the consent of a majority of the Justices of the Supreme Court.

January 3, 1907. John McPhie, convicted in Yuba County in June, 1898, of robbery, and sentenced for twenty-five years. In the year 1903 he was paroled by the Prison Board, and has since conducted himself in an exemplary manner, as attested by the following citizens of Monterey County, where he has resided: Judge B. V. Sargent, Sheriff W. J. Nesbitt, Thomas Renison, Mayor of Salinas. His sentence was commuted so as to relieve him of the parole restrictions and allow him to accept a lucrative position outside this State.

January 3, 1907. Joseph L. Taggart, convicted in Riverside County in August, 1905, of grand larceny, and sentenced for three years. His sentence was commuted to expire on the first day of February, 1907. The evidence in this case was circumstantial, and a reading of the record shows that there is some basis in the prisoner's contention that he did not commit the crime. It appeared also that up to the time of the crime he had borne a good reputation, belonging to a respectable family, and supporting his family faithfully.

January 3, 1907. Jung Waung, a Chinaman, convicted in San Francisco in June, 1888, of murder in the first degree, and sentenced to life imprisonment at San Quentin Prison. In August, 1905, the Prison Board paroled Jung Waung, the resolution to that effect reciting that "there has always been a measure of doubt as to his guilt," and further stating that "he has been of most valuable assistance to the officers of this institution." Upon a showing that the prisoner had conducted himself on parole in a most exemplary manner, and upon a guarantee that he would be removed from the State and transported to China, never to return, I granted a commutation of sentence conditioned to be void unless the deportation is accomplished within thirty days and conducted under the supervision of the parole officer of the Prison Board.

January 3, 1907. Quan Sick, a Chinaman, convicted in San Francisco in May, 1888, of murder in the first degree, and sentenced to life imprisonment at San Quentin Prison. The case is in all respects like that of Jung Waung, the two prisoners having been jointly convicted and having been paroled by the Prison Board upon the same grounds. The commutation of sentence in this case is subject to the same conditions as in the case of Jung Waung.

REPRIEVES OF SENTENCE.

February 27, 1905. Lee Look, a Chinaman, convicted in Santa Clara County in May, 1903, of murder in the first degree, and thereafter sentenced to be executed

at San Quentin on Friday, March 3, 1905. The death sentence was reprieved to Friday, April 28, 1905, upon the recommendation of the District Attorney of Santa Clara County, who represented that Lee Look had filed a petition for a writ of habeas corpus in the Supreme Court of the United States, thereby staying the execution in this State, and that a reprieve of sentence was necessary in order to save the expense and risk attendant upon transporting Lee Look back to Santa Clara County for re-sentence, in case the decision upon the habeas corpus proceeding was adverse to the applicant.

On April 26, 1905, upon an application by A. H. Jarman, attorney for said Lee Look, who represented upon oath that additional time was required to allow the prisoner to prepare an application for re-hearing in the Supreme Court of the United States, the death sentence was further reprieved to Friday, May 19, 1905.

April 26, 1906. John McClure, convicted in Los Angeles County in March, 1905, of murder in the first degree, and sentenced to be executed at San Quentin Prison on Friday, May 4, 1906. Upon the recommendation of W. H. Beatty, Chief Justice, and Lucien Shaw, Associate Justice, of the Supreme Court, the death sentence was reprieved to Friday, June 8, 1906, to give time for an investigation of the case. Later, fuller reports upon the case were received from the Justices, and a commutation of sentence granted.

September 8, 1906. Adolph Julius Weber, convicted in Placer County in February, 1905, of murder in the first degree, and sentenced to be executed on September 12, 1906, at Folsom Prison. The sentence was reprieved to September 27, 1906, upon sworn statements by Weber's attorneys that new evidence had been discovered, and upon a request by the Attorney-General to be granted time to make a countershowing. Weber's application for commutation of sentence was later denied and he was executed on the day set in the order of reprieve.

RESTORATIONS TO CITIZENSHIP.

The orders of restoration to citizenship in the following cases, while they are in effect formal pardons, were issued after the terms of the prisoners had expired, and upon a showing that each had, since his discharge, borne a good reputation for sobriety and industry, and in all respects had proved himself worthy to take his place as a citizen in the community:

Charles Bottorf, convicted of burglary in the second degree, and sentenced for a term of two years. Discharged October 31, 1904, upon expiration of term. Restored June 14, 1905.

Harry Coyne, convicted of a felony in Los Angeles County in June, 1896, and sentenced for a term of five years. Discharged January 17, 1900, upon expiration of term. Restored June 14, 1905.

Antone Bokariza, convicted of assault with intent to commit murder, and sentenced for a term of seven years. Discharged December 14, 1903, upon expiration of sentence. Restored June 14, 1905.

Joseph Hubert, convicted of murder in the first degree in Calaveras County in January, 1896, and sentenced to be hanged, which sentence was thereafter commuted by a previous Governor, so that he was discharged from custody in December, 1904. Upon a satisfactory showing he was restored to citizenship on June 14, 1905.

William B. Peterson, convicted of grand larceny in Sonoma County in September, 1899, and sentenced for a term of one year. Discharged July 6, 1900, upon expiration of sentence. Restored December 20, 1905.

A. E. Eldridge, convicted of forgery in San Bernardino County in January, 1904, and sentenced for a term of two and one half years. Eldridge was released on parole and later his sentence was commuted to expire on November 14, 1905. He was restored to citizenship January 29, 1906.

R. A. Shorley, convicted of burglary in Solano County in January, 1900, and sentenced for a term of five years. Discharged in August, 1903, upon expiration of sentence. Restored March 1, 1906.

Baxter D. Lightfoot, convicted of murder in the second degree in Yuba County in December, 1892, and sentenced for a term of fifteen years. Discharged in April, 1902, upon expiration of term. Restored March 1, 1906.

Leonard G. Wesley, convicted of burglary in the second degree in Kern County in May, 1904, and sentenced for a term of one year. Discharged March 6, 1905, upon expiration of sentence. Restored April 7, 1906.

Frank L. Stocking, convicted of burglary in the second degree in Merced County in December, 1896, and sentenced for a term of ten years. Discharged in January, 1904, upon expiration of sentence. Restored October 1, 1906.

MESSAGES FROM THE GOVERNOR—(CONTINUED).

On motion of Mr. Johnson of Sacramento, the following was taken up and read:

Gentlemen of the Legislature of the State of California:

I have been much impressed by the ceremonies just closed. Through them, and in a most solemn and impressive manner, it has been announced that I have been chosen by the people of this great State to preside over its destinies for four years, to guard its interests, to conscientiously and to the best of my ability administer upon its affairs and to execute its laws.

With the great honor which the high office of Governor brings, there also come grave responsibilities, and appreciating this, I enter upon the discharge of my duties with a full realization of the difficulties which will confront me in passing upon the important questions which will arise, affecting the interests of our people. In meeting them, I trust I shall not falter in my duty, and that I may have the wisdom to decide them on the side of right.

We are pleased to notice that our State is steadily growing in wealth, population, and importance. For a number of years we have enjoyed a wonderful prosperity, which still remains with us, and our future seems exceedingly bright and hopeful. And why should it not be so, with our wonderful resources and great advantages? Our broad and fertile valleys; our mountains, rich in mineral wealth; our magnificent forests; our unsurpassed opportunities for manufacturing and commerce, and our salubrious climate, are attracting to-day the attention of the world, and many are seeking our shores for homes and to engage in business.

CONSTRUCTION OF TRANSCONTINENTAL LINES.

Because of our rapid increase in population and the possibilities of a wonderful development in the products of our soil, mines and forests, transcontinental railways are building, or contemplating building, to our coast and connecting us by rail with the populous states of the Mississippi Valley and the Atlantic Coast.

The completion of these roads will prove of great advantage to our State; they will add to our wealth and importance; they will cheapen both freight and passenger rates to the large markets of the East; they will develop our valleys and our coast; they will bring to us a large population, and we should offer them every encouragement, so as to hasten their completion, and put no unreasonable obstacles in their way. Railroads form a most important part in the commercial and business life of a State. They operate under franchises granted by its sovereign power, and do business as do public servants. They ought not to make excessive charges or grant rebates to favored shippers or discriminate against persons or places, and for doing so the State has the right to complain. They also ought to be treated fairly and not as a common enemy, and should be protected in all their rights, and every just encouragement offered to induce them to extend their lines and to improve and increase their service.

RIVER TRANSPORTATION.

Since the prosperity of our State depends so largely upon the facilities we have for quick, cheap, and convenient transportation, it is very important that every effort should be put forth to keep our navigable streams open and free to navigation, and to improve them to the best possible advantage. This work primarily belongs to the General Government, but much can be done by our State, and should be done. We should urge upon our representatives in Congress and upon our Senators to press before the River and Harbor Committees of the House and Senate the importance of improving the Sacramento and San Joaquin rivers, in accordance with some plan to be adopted by competent engineers, and whenever it is possible for the State to render aid, it should do so. We can not be too careful in protecting these streams from causes which may tend to shoal the water, create bars, or in any other manner cause obstructions to form which hinder, delay, or impede their free navigation.

These two streams are public highways, free from corporate control, open to all alike, and if safeguarded and improved will play a most important part in the future development of two of the greatest valleys in the world—not greatest in extent, but greatest in the variety and abundance of crops which, under proper irrigation, they are capable of producing

CAPITAL AND LABOR.

Our laws should be just and reasonable and should not alone protect the individual in his property and personal rights, but should equally protect all corporate interests. This is the day of organization and consolidation. Capital and labor are both organized, and when kept within reasonable limits, and prevented from intrenching upon the rights of others, can accomplish great good, and are to be encouraged. But neither should be permitted to do those acts which are detrimental to the general welfare of all, and both should respect the right of every citizen to invest his money in any enterprise, or sell his labor in the field or factory. The right to labor, to accumulate property and to conduct a business are most sacred rights, vouchsafed to all by our Constitution, and no man or corporation in the enjoyment of any of these rights should be unlawfully or

wrongfully interfered with by either organized capital or organized labor. These rights of the citizen should at all times be jealously guarded by our laws and those evading them punished, and no law should be enacted which would give to organized capital or organized labor any rights superior to or infringing upon the rights enjoyed by all the people in common.

PURE FOOD BILL.

The pure food bill enacted by the last session of Congress has made it necessary that there should be some changes in our laws. This bill applies to interstate commerce only, and does not affect articles of food prepared and drugs and medicines compounded in the states and intended to be sold and used therein. The pure food bill was very much needed to stop the wholesale adulteration of foods in the United States, and to stop the preparation of medicines containing drugs that were injurious to the people who purchased the same in ignorance of what they were buying. The law provides that there shall be a printed label on each bottle or package, showing the ingredients of the medicine or compound offered for sale. The State Board of Health, in its Nineteenth Biennial Report, says:

"Most of our long list of deaths from enteric troubles are the result of impure foods, and to stop the deaths the cause must be removed."

Strong legislation is required to stop the sale of impure food and drugs in this State, not only the sale of that manufactured or prepared here, but that which is shipped in; so that the purchaser may know what he is getting. The law enacted should be along the lines of the Act passed by Congress, so as to be as much in harmony with it as possible. It should be made a high misdemeanor for any person to manufacture within this State any article of food or drug which is adulterated or misbranded, or offer the same for sale, or to offer such food or drug for sale when shipped into the State from any other State or country.

There are patent medicines and nostrums for sale to-day in this State that are injurious to health and ought not to be sold. People who buy them are perfectly ignorant of the kind of drugs used in compounding them. The safety of the public health requires that the sale of such medicines should be suppressed, or at least that there should be plainly printed on a label to be affixed to the bottle or package, a statement giving the ingredients thereof, and the preparation when it contains morphine, opium, cocaine, heroin, chloroform, chloral hydrate and similar drugs, so that the purchaser may know what he is getting and what poison he is taking or giving to his children.

I know of no legislation more important than this, and trust that it may speedily be passed.

The Board of Health strongly recommends that such a law be enacted, and this, too, after a most careful investigation into the subject. It is to be hoped that the bill passed by Congress, together with the legislation enacted by the several states, will put an end to the evil practices of manufacturing and selling impure foods and drugs to the people of this nation.

California, because of its fruit interests and wine industries, should be the first to stand for a strong pure food law, not alone because of the protection it affords to the health of its citizens, but also because it will prove beneficial to us in a commercial sense. The branding of cottonseed oil as pure California olive oil injures our olive industry; the misbranding of our wines affects our wine producers, and the placing of labels upon inferior Eastern fruit and representing it to be California fruit is a gross injustice to those engaged in canning and preserving California fruits. Such practices are frauds upon the community and should be stopped, and every effort should be put forth to stop them. The General Government will take active steps to do so, and it is our duty to assist when and wherever we can.

DIRECT PRIMARY LAW.

The direct primary law is being discussed somewhat, and will no doubt be taken up and considered by you during this session. There is much that can be said in favor of a direct primary law, and there are many good arguments made against it Of course, upon these you are to pass. A few weeks ago there appeared in the San Francisco "Call" a very clear and concise statement of what was intended by this law. It is as follows: "The direct primary law contemplates the nomination of partisan candidates for political office by direct vote of the members of political parties voting under the same full protection of the law that is thrown around general elections, and by employment of the Australian ballot. The voter makes his own nomination by ballot in the same manner that he votes for the candidates of his choice after nomination."

It is urged in favor of a direct primary law that all political questions should be submitted directly to the people for their decision, and that it is just as important that the voter should say who the candidates should be as to decide which one should be elected.

The candidate for office receiving the majority of votes at a primary election has been before the people and they have had an opportunity to judge of his character his worth, and his qualifications to fill the office he is seeking. If he is an unfit and unworthy man, that too, will be known.

If you should decide in favor of a direct primary law, then the Constitution will have to be amended, because Section 2½ of Article II, provides for a primary election for the purpose of choosing delegates to attend a convention for the purpose of nominating candidates, and the section will have to be amended so as to provide for the

holding of a primary election for the purpose of electing party candidates to be voted for at a general election.

Should you not deem it advisable to adopt the direct primary law, then I advise that our present primary law be amended so as to apply to the entire State, and also amended in other particulars which are necessary, but which need not be stated now. The primary law as it exists to-day is too cumbersome, and should be simplified.

ALASKA-YUKON-PACIFIC EXPOSITION.

Commencing on June 1, 1909, and ending on October 15, of the same year, there will be held in Seattle, Washington, an exposition known as the Alaska-Yukon-Pacific Exposition. The intent of the exposition is to exploit the marvelous resources of Alaska and to increase the oriental trade on the Pacific Ocean. This exposition will be largely attended by people living east of the Rocky Mountains, many of whom will be seeking homes or opportunities to make investments. There is no doubt but that the Northwest will make a splendid exhibit of its wonderful resources, and that many will be attracted thereby. We should take advantage of the opportunity which this exposition offers us, to place on exhibition a splendid display of the products of our soil, mines, and forests. For this purpose a reasonable sum should be appropriated, similar to that appropriated for the Lewis and Clark Exposition.

REVISION OF REVENUE LAWS.

The time has arrived in this State when we should consider the advisability of changing or amending our revenue laws and substituting a system which is more modern and which will meet the conditions of to-day. The present system of taxation is old and antiquated, having been in existence for nearly fifty years, and has not proven to be elastic enough to meet or keep pace with our growth and development. To-day we are confronted with the fact that we have upon our assessment rolls but very little more personal property than we had thirty-four years ago, notwithstanding the population of the State has trebled, and there has been a corresponding increase in our wealth. Upon investigation, we learn that real property bears nearly all the burden of taxation, and the farmer, based on the value of his property and his income, pays a greater sum for taxes in proportion than the merchant, manufacturer or other man of business. All the farmer has is in plain sight, and, consequently, is assessed, while money and credits to a large extent go free. Such conditions ought not to exist, as all property should bear its just proportion of taxes. The expense of the State is largely met by a direct tax levied upon property in the different counties. We have a Board of Equalization, whose duty it is to equalize the assessments made in the several counties of the State, so that each shall pay its just share of State taxes. It is a well-known fact that in most every instance assessments are made as low as can be so as to escape the State tax as much as possible. And while the Board by equalizing assessments endeavors to put all counties on the same basis, still with all its care there is sure to exist inequalities between different classes of property, between county and county and between city and city, which can not be prevented. The result is that one county will pay more than its just proportion, and another county will pay less. A system which makes such results possible, and can not be remedied, should be abolished. It is quite evident that some change should be made in our revenue laws, but just how far that change should go, is a question. Shall we continue the present system, with some amendments, supporting the State by a direct property tax, collected from the several counties, or shall we make radical changes in our revenue laws and separate county and State by providing that the State shall be supported from sources different than those which support the city and county?

If this question were a new one, I would advise that we approach it with great care and caution, but we find that several states have adopted the dual system, and that good results have been accomplished. It is evident that some of the evils existing to-day by reason of our present revenue laws, can best be remedied by adopting a system already in use in several of the states by separating State and local taxation.

This means that the State shall collect its revenues from sources other than a direct levy on real and personal property—of individuals, leaving to the counties and cities the exclusive right to tax such property for local purposes.

This plan will save the owners of real estate nearly $4,000,000 annually paid for State taxes, and abolishes at once the necessity for equalization between the counties. The assessment will then be local in each county and city, will be made with only local matters in view, without regard to values in other localities, and without a purpose of keeping down the State tax to a minimum by an undervaluation of property.

This system is not an untried one, as it is now in vogue in several of the states, where it has proved to be successful. It is the most modern method in use and the most just.

The State, under this system, could derive its revenues, in addition to those collected from present sources, by levying a tax upon the gross earnings of railroads; street railroads; express companies; car companies; light, heat and power companies; telegraph and telephone companies; on the shares of the capital stock of banks, and upon corporate franchises.

I can not in this brief address set out in full all the reasons why there should be a separation of State and county taxes, but I respectfully call your attention to the very able and exhaustive report of the Commission on Revenue and Taxation. It is plainly

demonstrated that such a separation, at least, is a vast improvement over our present system, and it is also shown that our present revenue laws are not only inadequate, but very unsatisfactory.

To bring about this separation it is necessary that the Constitution should be amended, and I advise that a resolution amending it as suggested by the Commission, be passed.

This will then refer the whole matter to the people for their consideration and the wisdom of the measure can then be fully discussed by the press. In the meantime, the Commission can continue to gather information in those states where the dual system is in use, and can also prepare amendments to our laws to meet the changed conditions if the constitutional amendment carries.

This question of revising our revenue laws seems to me to be one of great importance and I commend it to your most careful consideration, trusting that you will give to it your best thought.

HARBOR IMPROVEMENTS.

The question of harbor improvements in this State to-day is one of considerable importance, particularly as it affects San Francisco. Our commerce, both foreign and domestic, is rapidly increasing. We are extending our trade to the Orient and in Australia, and in a few years, when the Panama Canal is finished, this trade will be greatly augmented by the commerce that will spring up between this coast and the Atlantic. Steps should be taken to put the water front of San Francisco, and also of other ports in California, in condition to accommodate this fast increasing trade and to care for the great commerce which will come to us when the canal shall have been completed. The rebuilding of San Francisco will, for a number of years, call for a vast amount of building material, consisting of lumber, steel, cement, etc., and a great portion of this, particularly lumber, will come in ships and dockage and wharf room must be provided for it. There is no reason why improvements should not be commenced at once, and pushed to completion as rapidly as possible.

These improvements should be substantial and permanent, following a carefully prepared plan, so that when completed we can boast of one of the finest ports in the world. Of course, to relieve present congested conditions, some temporary work must be done, and it should be attended to at once. The Board of State Harbor Commissioners, in their Biennial Report, published in 1905, speaking of the work contemplated to be done with the $2,000,000 voted by the people of the State for the purpose of completing the sea wall south from the Ferry Building to Channel street, and also for constructing new piers and docks that may be necessary, say: "The money will be used as follows: The construction of 4,400 feet of sea wall that will approximately cost $770,000, and building eleven modern cylindrical piers along the new sea wall, having a total length of 9,600 feet and a width of 120 feet, amounting to $1,105,000." This money should be used immediately and these improvements completed as soon as possible.

When this money is exhausted if we have not sufficient docks and wharves to properly accommodate the commerce, then I advise that we submit again to the people the question of voting more money for this purpose, by issuing bonds secured by the receipts of the harbor. I am sure that the people of this State are willing to vote all the money necessary to improve this great harbor in the manner it should be improved, but they have the right to expect that the money shall be prudently expended and the best results obtained, and further, that the work shall progress rapidly, and not drag along from year to year. I sincerely trust that during the next four years the Harbor Commissioners will give to these matters their closest attention, and this administration will expect them to do so. While it is true that the cost of building materials and wages have increased, yet the improvements to be made are necessary, and a rapidly growing and pressing commerce demands them; therefore, it is not a good business policy to delay the work. With the limited wharves now existing, it is important that they should be used to the best advantage to accommodate all. Some care should be taken to see that freight is taken away in a reasonable time, and where it is not, a penalty should attach. Within the last few months the merchants and shippers of San Francisco have given considerable prominence to the conditions existing along the water front of that city, and have made many suggestions for their betterment. The State will soon be called upon to expend a large sum of money in extending the sea wall and in constructing docks and wharves to accommodate the rapidly increasing commerce coming to that port. Before this work commences, and while the Legislature is in session, I am of the opinion that some good would come from an investigation into the several harbors of the State under State control, and I would therefore recommend that a joint committee of the Senate and Assembly be appointed to make inquiries into the prevailing conditions at these several harbors, and also to ascertain pilot charges and other expenses attached to shipping; the amount of pilot fees collected and the rebates, if any, given, and to whom; the average expense of a vessel engaged in foreign trade in arriving and departing from the port of San Francisco; whether any shippers are favored over others; whether any of the wharves are being used for business other than receiving and discharging freight to the exclusion of others; what repairs and improvements are necessary, and such other matters affecting the public interests as may suggest themselves to the committee, and to make a full report thereof to the Assembly and Senate at its earliest convenience so that proper legislation may be passed if found necessary.

INSURANCE LAWS.

The effect that the recent conflagration in San Francisco has had upon insurance companies, the efforts made by some to evade the payment of their liabilities on technical grounds, and the loss, delay, and inconvenience suffered by the insured, have demonstrated that there should be some amendments made to our insurance laws affording a better protection to our citizens and making it more difficult for a foreign company to evade its just obligations. However, in making such amendments, we should act with calm deliberation, proceed cautiously and be only actuated by a desire to enact such laws as will amply protect the insured in his contract, which must be fair and just, and afford protection to the company as well. Insurance is a legitimate business and a very important one, and should be so considered. In legislating, care should be taken not to enact laws containing provisions that will be so onerous to the companies that they will be forced to withdraw from the State, or that will entail upon our people more expensive insurance than they pay to-day.

In matters of legislation affecting the insurance business, we have not progressed as rapidly as some of our sister states, notably New York and Massachusetts. Both of these states have given the question of insurance considerable study, and have a very good code of insurance laws which have proven quite successful.

We may with profit examine the laws of these two states, and adopt such as we may deem proper, or at any rate they can furnish us a safe guide in drafting those laws which we may consider to be necessary for the protection of this State under the conditions existing here. There should be a standard form of policy, providing against the loss by fire, explosion, collapse or earthquake. Under such a policy there would be no doubt as to the obligations of the insurer, no doubt as to the legal meaning and effect of the provisions of the policy, and no opportunity to insert clauses not noticed or misunderstood by the insured. The contract of insurance should be made clear and certain as to its terms, and this is of the most importance.

There should also be enacted a deposit law under which companies of foreign countries will not be permitted to do business in this State unless they have on deposit in this or some other State a minimum sum, and in addition thereto the full reserves required of domestic companies, as to all policies issued upon property situated in the United States where a reserve is required. This is the law in many of the states, and had it been the law in this State the Transatlantic and other companies, which have retired to Germany without paying their losses, would not have escaped so easily, because their assets in this country might have been sufficient to have covered part of their losses, at least.

All insurance companies should be required to furnish to the insured, upon demand, the necessary blanks to make out his proof of loss, this demand to be made upon either the local or general agent representing the company in this State, and if none, then upon the Insurance Commissioner. The demand should be made within a stated time and the proof of loss submitted within a fixed period, after the blanks have been furnished.

You will no doubt have many proposed changes in the law presented to you for your consideration. I know you will proceed carefully and thoughtfully in what you do, and I trust that when your labors are finished you will present a Code of Insurance Laws equal to those existing anywhere, and which will be conservative, fair and just to all concerned. This question is a most important one, and very intricate in its details. It opens up a subject that the average person is not familiar with, and one that requires study to understand. But after all it resolves itself into what constitutes a fair agreement between the insurer and insured, and what is necessary to protect the interests of the contracting parties. When this has been solved, your work will have been finished.

There will be many important measures pending before you during this session, which I have not referred to and which will require your close attention. The most important will be in providing money to carry on the business of the State during the next two years.

Our expenses appear to be increasing out of proportion to our increase of population and wealth. We have many commissions to support, some of which seem to me to be needless. There is also a steady increase in the expenses of our various State institutions, caused by the growing number of inmates and the construction of quarters to receive them. There is no denying the fact that California is one of the most expensive states in the Union to care for, and while our attention for years has been called to the fact, we still continue along in the old way. Our burdens have been placed upon us and we are bearing them, and in all probability will continue to do so. But those burdens should be made no greater. Every effort should be made to prevent any unnecessary expenditures of money being made. When matters come before you asking for an appropriation, meet it with the question, Is it necessary? and make the parties advocating the measure show you the necessity before you grant it. We all feel a pride in our State institutions, and want to see them properly managed and cared for, and our people are willing to provide the necessary money to do this, but we don't want any extravagances. Some repairs to our public buildings will have to be made and some new ones constructed to replace those destroyed by the earthquake, but before money is appropriated for either, the character and extent of the repairs should be carefully considered, and the class and expense of new buildings thoroughly investigated, particularly the buildings to be constructed at the Agnews Asylum. The care of the insane is a big problem in our State. The percentage is greater here than in almost any other

State, while the numbers in our asylums are steadily increasing. The expense of maintaining them is great already, and every effort should be made to curtail it where possible, without doing any injury to or hindering the great work we are doing. This much the people of this State have the right to expect of us, and here our duty ends.

It is for the best interests of all that the Legislative and Executive departments should work in harmony. I sincerely trust that we may have the confidence of each other, and that upon all questions affecting the public welfare we may freely consult and exchange our views. A public office is a public trust, and a public trust is the highest trust known. Those vested with governmental power can by their acts destroy their State, or they can make it a strong, powerful, and influential nation. A State's administration is what its public officials make it. If it is an honest and a just one, it will have the support of all the people. If it is not, it will meet with their condemnation. The people expect of us an economic administration, that only just laws shall be passed, and that the needs of the State shall be judiciously provided for.

Ours is a large State and a grand one. It is an empire within itself. It rests here upon the Pacific Ocean in regal splendor—a queen among the states of the Nation. To-day it is inviting the best of our country to settle here and abide with us. It welcomes capital to invest in our mines, in our forests, in our valleys, and in our cities. It looks forward to a future full of hope and blest with all that makes a people great, contented and prosperous. We must be known as a progressive State, one where law and order are preserved, where capital is protected, and where labor of the highest and best type is free to follow its own calling; a State dedicated to education and all that is noblest in life.

Such a State is ours, and such a State, with all its great responsibilities, with all that is dear to the hearts of its subjects, with its present and its future hopes, has been placed in our hands as a sacred trust to guard and to protect, and God giving us strength and wisdom, we will do so.

JAMES N. GILLETT,
Governor of the State of California.

RESOLUTION.

The following resolution was offered by Mr. Walsh, who moved its adoption:

Resolved, That the name of L. M. Houghton be substituted for that of Joseph Noel as Bill Filer in report of Committee on Attachés.

Resolution read and adopted.

ADJOURNMENT.

At eleven o'clock and eight minutes A. M., on motion of Mr. Coghlan, the Assembly was declared adjourned until ten o'clock A. M. of Friday, January 11, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 11, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—80.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leave of absence for the day: Messrs. Leeds, Smith, Otis, Smyth, Bush, and Walsh.

On motion, Mr. Chandler was granted leave of absence until twelve o'clock M., Monday, January 14, 1907.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Burke, its further reading was dispensed with.

AMENDMENT OF COMMITTEE REPORT.

Mr. Drew moved that Rule No. 78 of the Assembly, adopted on a previous day, be stricken out.

On motion of Mr. Johnson of Sacramento, unanimous consent was given and Rule No. 78 was stricken out, and subsequent rules were ordered renumbered in regular order.

RESOLUTIONS.

The following resolution was received and read:

By Mr. Estudillo:

Resolved, That the Controller draw his warrant in favor of the Chief Clerk for $50, and the Treasurer is directed to pay the same, said amount being for postage, expressage, telegraphing, and incidental expenses of the Chief Clerk's office.

Mr. Stanton moved to amend the resolution by adding the words "payable out of the Contingent Fund of the Assembly" after the word "office."

Amendment adopted.

Resolution, as amended, adopted by the following vote:

AYES—Messrs Barry, Beban, Beckett, Berry, Birdsall, Boyle, Burke, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—68.

NOES—None.

By Mr. Whitmore:

Resolved, That the Sergeant-at-Arms be hereby instructed to move the Speaker's desk, and everything appertaining, to the center of the north side of the Assembly Chamber, and the changing of positions of desks accordingly, and that said work be completed by Monday morning, January 14, 1907, at ten o'clock.

SPECIAL ORDER SET.

Mr. Stanton moved that the further consideration of the resolution be made a special order immediately after reading of the Journal on Monday, January 14, 1907.

Motion carried.

By Mr. Hewitt:

Resolved, That the name of Flora Fleck be substituted for that of Bessie Doyle, as Committee Clerk, in report of Committee on Attachés.

Resolution read and, on motion, adopted.

By Mr. Beckett:

Resolved, That the following-named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names; said per diem to be paid out of the appropriation for the contingent expenses of the Assembly; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diem; and the State Treasurer is hereby authorized and directed to pay the same:

E. C. Bowen	Watchman	$3 00
Ina Patton	Stenographer	5 00
Miss Dona R. Hall	Assistant Committee Clerk	4 00
H. M. Moore	Assistant Committee Clerk	4 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—67.

NOES—None.

By Mr. Hartmann:

Resolved, That the name of S. Herzog be substituted for that of Al Franklin as Committee Clerk, and that the name of D. Cantrowith be substituted for that of Chas. Brown as Committee Clerk, in the list of attachés of the Assembly, and that the names of Al Franklin and Chas. Brown be dropped from the list of attachés of the Assembly.

Resolution read and, on motion, adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor and, on motion, read and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 10, 1907.

To the Assembly of the State of California:

I have the honor to inform you that I have appointed E. C. Cooper of Eureka, State of California, my Private Secretary, through whom all communications from this office will be transmitted to your honorable body.

J. N. GILLETT,
Governor of the State of California.

RESOLUTIONS.

By Mr. Stanton:

Resolved, That the House now proceed to the introduction of bills; the Chief Clerk shall draw the names of the members from a hat, and as each member's name is drawn, he shall introduce such bills as he desires.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Messrs. Bell, Birdsall, Burke, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Eshleman, Finney, Hammon, Hans, Johnson of Sacramento, Lemon, Lucas, Lynch, McClellan, Percival, Pierce, Pyle, Root, Sackett, Stanton, Stetson, Thompson of Los Angeles, Transue, Walsh, Weske, and Mr. Speaker—32.

NOES—Messrs. Barry, Beban, Beckett, Berry, Bishop, Boyle, Butler, Coghlan, Cullen,

Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Ludington, McGuire, McKeon, McMullin, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Toomey, Vogel, Whitmore, Wilson, and Wyatt—38.

By Mr. Cornish :

Resolved, That the name of J. E. Niles, heretofore appointed as Assistant Journal Clerk at the per diem of $5.00, and the name of John Spaulding, heretofore appointed as Committee Clerk at the per diem of $4.00, and the name of A. Perry, heretofore appointed as Assistant Committee Clerk at the per diem of $4.00, be stricken from the rolls, and the following named persons be substituted therefor :

Maud McMullen	Assistant Engrossing and Enrolling Clerk	$5 00
John Kellenberger	Assistant Sergeant at-Arms	5 00
John Spaulding	Assistant Engrossing and Enrolling Clerk	5 00

Said appointments to date from and include the seventh day of January, 1907 ; and the State Controller is hereby authorized and directed to draw his warrants upon the Contingent Fund in favor of the said named persons for the said per diem ; and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Butler, Campbell, Coglswell, Coghlan, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—63.

NOES—None.

ADJOURNMENT.

At eleven o'clock and twenty minutes A. M., on motion of Mr. Finney, the Assembly was declared adjourned until Monday, January 14, 1907, at eleven o'clock A. M.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 14, 1907.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names :

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—78.

Quorum present.

LEAVE OF ABSENCE.

On motion of Mr. Thompson of Los Angeles, Mr. Leeds was excused for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. O'Brien, its further reading was dispensed with.

CORRECTIONS OF THE JOURNAL.

The Journals of Monday, January 7, Tuesday, January 8, and Wednesday, January 9, 1907, were read and corrected, and approved.

SPECIAL ORDER.

The special order heretofore set for consideration at this hour was taken up and read, as follows:

Resolved, That the Sergeant-at-Arms be hereby instructed to move the Speaker's desk, and everything appertaining, to the center of the north side of the Assembly Chamber, and the changing of positions of desks accordingly, and that said work be completed by Monday morning, January 14, 1907, at ten o'clock.

POINT OF ORDER.

Mr. Transue made the following point of order in relation to the resolution: The hour of ten o'clock A. M., Monday, January 14, 1907, specified in the resolution, having expired, its consideration was out of order.

The Speaker ruled the point of order well taken.

RESOLUTIONS.

The following resolution was offered:

By Mr. Johnson of Sacramento:

Resolved, That the Secretary of State is hereby directed to close the contingent expense accounts of the members of the Assembly and to forthwith transmit a statement of the same to the State Controller; and the State Controller is hereby directed to draw his warrant in favor of each member of the Assembly for the amount remaining to his credit in his account, and the State Treasurer is hereby directed to pay such warrants.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Haus, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—73.

NOES—None.

By Mr. Whitmore:

Resolved, That the Sergeant-at-Arms be instructed to move the Speaker's desk to the center of the north side of the Assembly Hall, and to rearrange the members' seats in conformity thereto, the work to be done as soon as possible.

Resolution read, and on motion of Mr. Johnson of Sacramento, was referred to Committee on Contingent Expenses and Accounts.

APPOINTMENT OF STANDING COMMITTEES:

The Speaker announced the appointment of the following standing committees:

Agriculture—Messrs. Strobridge (chairman), Johnson of San Diego, Lynch, Higgins, Bishop, McClellan, and Smyth.

Attachés and Employés—Messrs. Thompson of San Francisco (chairman), John, Transue, Vogel, Wilson, Hewitt, and Whitmore.

Banks and Banking—Messrs. Spaulding (chairman), Thompson of Los Angeles, Ludington, Beckett, and McConnell.

Building and Loan Associations—Messrs. Otis (chairman), Transue, Stanton, Boyle, Root, Fisher, and Forbes.

Claims—Messrs. Cullen (chairman), Pyle, Johnson of San Diego, Bell, Higgins, Campbell, and Toomey.

Commerce and Navigation—Messrs. Cutten (chairman), Thompson of San Francisco, Ludington, Leeds, McGuire, Fratessa, Kohlman, Wilson, and Toomey.

Commissions and Public Expenditures—Messrs. Vogel (chairman), Drew, Strohl, Beban, Cogswell, Finney, and Wessling.

Contingent Expenses and Accounts—Messrs. Berry (chairman), Lynch, Transue, Beban, Spaulding, Collister, and Beckett.

Constitutional Amendments—Messrs. Burke (chairman), Estudillo, Drew, Wyatt, Eshleman, Cutten, and Forbes.

Contested Elections—Messrs. Snyder (chairman), Stanton, Stetson, Devlin, McMullin, Sackett, and Davis.

Corporations—Messrs. Walsh (chairman), O'Brien, Hammon, Bush, Campbell, Thompson of San Francisco, Kohlman, Root, and Baxter.

Counties and County Boundaries—Messrs. McGuire (chairman), Jury, Burke, Transue, Coghlan, Johnson of San Diego, Boyle, Lemon, and Cogswell.

County and Township Governments—Messrs. Thompson of Los Angeles (chairman), Lynch, John, Birdsall, Berry, Costar, Bell, Lemon, Smith, Strobridge, Sackett, Walsh, and McConnell.

Dairies and Dairy Products—Messrs. John (chairman), Butler, Collister, McClellan, Pierce, Berry, Percival, McGuire, and Smyth.

Election Laws—Messrs. Stetson (chairman), Devlin, Cutten, Leeds, Coghlan, Ludington, and McKeon.

Education—Messrs. Sackett (chairman), Thompson of Los Angeles, Strobridge, Chandler, Estudillo, Hammon, Barry, Eshleman, and Spaulding.

Engrossment and Enrollment—Messrs. Hans (chairman), Percival, Kelly, Stetson, Fratessa, Butler, and Davis.

Fruit and Vine Interests—Messrs. Birdsall (chairman), Strobridge, Lucas, Cogswell, Higgins, Weske, and Percival.

Fish and Game—Messrs Cornish (chairman), Stanton, Strohl, Leeds, Held, Ludington, McClellan, Hammon, Lemon, O'Brien, and Birdsall.

Federal Relations—Messrs. Coghlan (chairman), Lucas, Bishop, Fratessa, Kelly, Weske, and Baxter.

Governor's Message—Messrs. Fisher (chairman), Spaulding, Boyle, Kohlman, and Cogswell.

Immigration—Messrs. Boyle (chairman), Pyle, Collister, Fisher, Bell, Barry, Root, Smyth, and Held.

Insurance and Insurance Laws—Messrs. Drew (chairman), Stetson, Ludington, Hans, Lucas, Stanton, Fisher, Kohlman, and Davis.

Irrigation—Messrs. Bishop (chairman), Estudillo, Johnson of San Diego, McMullin, Cogswell, Lemon, Hewitt, Whitmore, and Forbes.

Judiciary—Messrs. Johnson of Sacramento (chairman), Walsh, Coghlan, Devlin, Drew, O'Brien, Thompson of Los Angeles, Held, Wyatt, Cutten, Bishop, Cornish, Leeds, Stetson, Percival, Snyder, Otis, Hammon, Lucas, Hewitt, and Forbes.

Labor and Capital—Messrs. Bush (chairman), Cullen, Kelly, Eshleman, Case, Wilson, Sackett, Whitmore, and Baxter.

Levees and River Improvements—Messrs. Butler (chairman), Vogel, Hewitt, McClellan, McKeon, Bush, and Wessling.

Manufactures and Internal Improvements—Messrs. Costar (chairman), Beckett, Strobridge, Toomey, Case, Wilson, and McKeon.

Mileage—Messrs. Barry (chairman), Transue, McClellan, Kohlman, and Higgins.

Military Affairs—Messrs. Whitmore (chairman), Bishop, Barry, Case, Butler, Bush, and Smyth.

Mines and Mining—Messrs. Root (chairman), Campbell, Bell, Birdsall, Finney, Snyder, Lemon, Coster, and Smyth.

Municipal Corporations—Messrs. Jury (chairman), Thompson of Los Angeles, Lucas, Bishop, Johnson of Sacramento, Case, and Fratessa.

Oil Industries and Oil Mining Interests—Messrs. McMullin (chairman), Cullen, John, McGuire, Hartmann, Pierce, Sackett, Campbell, and Wessling.

Public Buildings and Grounds—Messrs. Pyle (chairman), Vogel, Coghlan, Chandler, Bell, Hartmann, Costar, Smith, Ludington, Fisher, and Strohl.

Public Health and Quarantine—Messrs. Campbell (chairman), Pyle, Case, Hans, Higgins, Pierce, and Toomey.

Public Lands and Forestry—Messrs. Hammon (chairman), Estudillo, Jury, Snyder, Cornish, Cullen, and Baxter.

Public Morals—Messrs. Beckett (chairman), Walsh, Jury, Cornish, Hans, Weske, Berry, Thompson of San Francisco, and Baxter.

Public Printing—Messrs. Pierce (chairman), Beckett, Finney, Toomey, Smith, McKeon, and Wessling.

Public Works, State Capitol, and Parks—Messrs. Johnson of San Diego (chairman), Pierce, Otis, Johnson of Sacramento, Hartmann, Wessling, and Smyth.

Public Charities and Corrections—Messrs. Lucas (chairman), Johnson of Sacramento, Kelly, Otis, Thompson of San Francisco, Hartmann, and Wilson.

Reform of the Civil Service—Messrs. Hewitt (chairman), Strohl, Transue, Collister, and McMullin.

Retrenchment and Reform—Messrs. Chandler (chairman), Burke, Spaulding, Wyatt, Hartmann, Beban, and Forbes.

Revenue and Taxation—Messrs. Devlin (chairman), Stanton, Johnson of San Diego, Pyle, Walsh, Wyatt, Otis, Root, and McConnell.

Revision and Reform of Laws—Messrs. Wyatt (chairman), Drew, Burke, McGuire, Cornish, Snyder, Eshleman, Weske, and Smith.

Roads and Highways—Messrs. Finney (chairman), Held, Lynch, Thompson of Los Angeles, Berry, Cogswell, Cornish, Collister, Cutten, Whitmore, and Davis.

Rules and Regulations—Messrs. Leeds (chairman), Johnson of Sacramento, Beban, Walsh, and Mr. Speaker.

State Hospitals and Asylums—Messrs. Held (chairman), Jury, O'Brien, Percival, Bush, Strobridge, Lemon, Spaulding, Weske, Kelly, and Beban.

State Library—Messrs. O'Brien (chairman), Hans, Smith, Vogel, and Davis.

State Prisons and Reformatory Institutions—Messrs. Lynch (chairman), Boyle, Cullen, Butler, Snyder, Barry, Pierce, McMullin, and Birdsall.

Swamp and Overflowed Lands and Drainage—Messrs. Percival (chairman), Lynch, Devlin, Hewitt, Berry, Campbell, Fratessa, McKeon, and McConnell.

Universities—Messrs. Eshleman (chairman), Chandler, Case, Stetson, Smith, Otis, and Sackett.

Ventilation and Acoustics—Messrs. Collister (chairman), Burke, John, O'Brien, and Strohl.

Ways and Means—Messrs. Estudillo (chairman), Burke, John, Jury, Held, Chandler, Devlin, Strohl, Bell, Finney, Costar, Higgins, McClellan, Weske, and McConnell.

San Francisco Delegation—Messrs. Strohl (chairman), Coghlan, Boyle, Beckett, Cullen, Vogel, Barry, Beban, Fisher, Fratessa, Hartmann, Kelly, Kohlman, McKeon, Toomey, Thompson of San Francisco, Wessling, and Wilson.

RESOLUTION.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1907.

MR. SPEAKER: Your special Committee on Building and Loan Corporations, appointed at the last session of the Legislature to report on the building and loan associations of this State and "to suggest such legislation, from said investigation, as they shall deem necessary," beg leave to report that they have submitted their report, with accompanying bill, and that they have incurred in the discharge of their duty the following expenses:

A. M. Drew	$94 00
J. P. Transue	290 00
P. A. King	71 00
Clerk	175 00
Stamps	15 00
Stenographer	25 00

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in honor of A. M. Drew for the sum of $670 out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

All of which is respectfully submitted.

DREW, Chairman.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

REPORT OF SPECIAL COMMITTEE OF THIRTY-SIXTH SESSION.

ON BUILDING AND LOAN CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1907.

MR. SPEAKER: Your special Committee on Building and Loan Corporations, appointed

at the close of the thirty-sixth session of the Assembly, pursuant to the following resolution adopted by said body March 10, 1905 (Journal thirty-sixth session, 1905), to wit:

> "*Resolved by the Assembly of the State of California*, That a committee of three Assemblymen be appointed by the Speaker of the Assembly to prepare and present to the Assembly at the thirty-seventh session a report on the building and loan associations of this State and to suggest such legislation from this investigation as they shall deem necessary. For the purpose of this investigation the said committee is hereby empowered to demand and receive such information and to subpœna witnesses to obtain such information as it shall require to prepare said report and such legislation. Said committee shall be entitled to receive, and there is hereby made payable out of the Contingent Fund of the Assembly, such sum or sums as may be necessary to defray their expenses incidental to such examinations and investigations, and such sums as may be required to pay the clerk employed by them under and by virtue of this resolution, the total expenses of this committee to be limited to one thousand dollars,"

would report as follows:

Your committee met May 10, 1905, at San Francisco, California, and there adopted a plan of work, which plan in general comprised: (1) The compilation of the building and loan laws of other states; (2) the gathering of data as to the financial condition, the manner of doing business, etc., of the building and loan companies of this State; (3) the securing of suggestions and advice from those of experience in reference to needed legislation.

Space forbids that we should give anything more than a cursory review of the work of the committee, other than to say that we have met five times in all, and have given the subject a most thorough and careful consideration. From a careful digest of the building and loan laws of the states throughout the United States, we are led to the conclusion that in those states where the mutual feature of said corporation is fostered and safeguarded there the most good has come to humanity in the providing of homes for countless thousands who would otherwise be tenants and at the mercy of the landlords. From a review of the condition of the companies in this State, we find them generally in a healthy financial condition, economically managed, and giving general satisfaction.

There were on May 1, 1905, one hundred and thirty-three companies actually engaged in business in this State and nineteen in liquidation. Of one hundred and thirty-three, fully ninety per cent are what are known as mutual companies, and the remaining ten per cent nationals, or companies doing a general business in the issuing of different classes of stock. The greater number of the mutuals are doing a strictly mutual business, while some few have broken over, and in order to obtain funds or meet competition, are issuing guaranteed investment stock and thereby destroying their mutual feature.

In our work we have been ably assisted by our State Librarian and others.

Since the appointment of your committee, several of the so-called nationals have incorporated under the savings bank law.

Your committee has prepared a draft of a bill which is herewith submitted for the consideration of the Assembly.

Respectfully submitted.

DREW, Chairman.

Report received, read, and referred to Committee on Building and Loan Associations.

INTRODUCTION OF CONCURRENT AND JOINT RESOLUTIONS.

By Mr. Coghlan: Assembly Concurrent Resolution No. 2—Relating to the exclusion of objectionable Asiatics and urging Congress to act on said matters.

Resolution referred to Committee on Municipal Corporations.

By Mr. Otis: Assembly Concurrent Resolution No. 3—Relating to approving charter of the City of Alameda.

Resolution referred to Committee on Municipal Corporations.

By Mr. Berry: Assembly Joint Resolution No. 1—Relating to the appointment of a committee to investigate and report on the condition of the harbors of the State.

Resolution referred to Committee on Commerce and Navigation.

INTRODUCTION OF BILLS.

The Speaker announced that under the rules the introduction of bills was now in order.

Thereupon the following bills were introduced:

By Mr. Johnson of Sacramento: Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles and Relief," whose duty shall be to hear and pass upon all applications for pardons, commutations, and paroles, and to have the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks, and employés.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 2—An Act to pay the claim of H. M. Sitton and to make an appropriation therefor, for the sum of one thousand eight hundred and fifty-six dollars and seventy-eight cents ($1,856.78), on bond of the State of California No. 592, issued July 9, 1858.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding subdivision 19 thereto.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 8—An Act providing for the purchase of a site for a State Printing Office at the City of Sacramento, California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of a building on said site.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 9—An Act to amend Section 321 of the Penal Code of the State of California, relating to punishment for the selling of lottery tickets.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 11—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 14—An Act to amend Section 330 of the Penal Code of California, relating to gaming.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 15—An Act to add a new section to the Penal Code of California, to be known as Section 337*b*, authorizing the recovery by suit of money put up, staked, or lost at gaming.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 17—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the City of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Held: Assembly Bill No. 18—An Act to amend Section 686 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 20—An Act to amend section two thousand one hundred and fifty-four (2154) of the Political Code, relating to salaries and wages of attendants and assistant attendants in the several State Hospitals.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 21—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as and numbered Section 637*b*, relating to the division of the State of California into fish and game districts.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 22—An Act to add a new section to the Political Code of the State of California, to be known as Section 3630½, relating to assessment of solvent credits and to the penalty for refus-

ing or neglecting to include the same in the statement to be furnished to the assessor.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 23—An Act to amend the Penal Code of the State of California by repealing Section 626*g* of said Penal Code, relating to the hunting, etc., of tree squirrels.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known and designated as Section 602½, relating to the tearing down of fences and the opening of gates, bars, and fences and the hunting upon lands of another, and the killing, maiming, or wounding of any animal, and the leaving of camp fires burning or unextinguished.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 25—An Act to amend Section 632 of the Penal Code of the State of California, relating to the closed season for trout.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 26—An Act to amend the Penal Code of the State of California by repealing Section 637*a* of said code, relating to the destruction, etc., of meadow larks, their nests and eggs.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. McClellan: Assembly Bill No. 27—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 28—An Act to amend Section 634 of the Penal Code of the State of California, relating to the taking or catching, buying, or selling, or offering for sale, or having in possession fresh salmon at certain times of the year; providing for and fixing a close season; and making it a misdemeanor to violate the provisions thereof.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 29—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. O'Brien: Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rates of compensation for labor on public work," approved March 9, 1897.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Pierce: Assembly Bill No. 31—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 32—An Act to amend an Act entitled "An Act to establish Board of Parole Commissioners for the parole of and government of paroled prisoners," approved March 23, 1893, and transferring the duties of such board to the State Board of Charities and Corrections.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 33—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 34—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers and appropriating money therefor," approved March 25, 1903, and providing for a probation officer and his compensation.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Beckett: Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Bill read first time, and referred to Committee on Dairy and Dairy Products.

Also: Assembly Bill No. 36—An Act to amend Section 595 of the Political Code, relating to the general duties of an Insurance Commissioner.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Jury: Assembly Bill No. 37—An Act recommending to the electors of the State to vote for or against a convention to revise the Constitution of the State of California.

Bill read first time, and referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 38—An Act to prevent the destruction of young forest trees.

Bill read first time, and referred to Committee on Parks and Forestry.

Also: Assembly Bill No. 39—An Act to amend Section 1444 of the Code of Civil Procedure, and relating to the appraisement of estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Estudillo: Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Bill read first time, and referred to Committee on Irrigation.

Also: Assembly Bill No. 41—An Act appropriating $40,000 for carrying out the purpose of an Act approved March 18, 1905, and entitled "An Act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment stations, and making an appropriation therefor."

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No 42—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 44—An Act to amend paragraph one of Section 1874 of the Political Code of California, providing that pupils shall not be required to purchase supplemental books, and teachers and school authorities shall be punishable by expulsion from office or a fine not exceeding $50 for a violation.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 45—An Act to amend Section 626 of the Penal Code of the State of California, relating to the closed season for quail, duck, etc.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 46—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903, and providing for a probation officer and his compensation.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 47—An Act to amend an Act entitled "An Act to establish a Board of Parole Commissioners for the parole of and government of paroled prisoners," approved March 23, 1893, and transferring the duties of such board to the State Board of Charities and Corrections.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assemby Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 49—An Act to provide for the government and management of schools for the discipline, education, and reformation of delinquent minors in the State of California, and for the examination and commitment of such minors thereto.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Johnson of Sacramento: Assembly Constitutional Amendment No. 1—Referring to rights of suffrage.

Referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 2—Referring to sabbath day.

Refered to Committee on Constitutional Amendments.

By Mr. Held: Assembly Constitutional Amendment No. 3—Referring to the election of delegates to conventions of political parties.

Referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 4—Relating to division of the State into fish and game districts.

Referred to Committee on Constitutional Amendments.

By Mr. Estudillo: Assembly Constitutional Amendment No. 5—Referring to boards of education and text-books, and providing for free text-books.

Referred to Committee on Constitutional Amendments.

Also: Assembly Bill No. 50—An Act to amend Section 933 of the Code of Civil Procedure of the State of California, relating to proceedings in civil courts, creating liens, and enforcing judgments.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bush: Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 52—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum for the fifty-

ninth fiscal year and for each and every year thereafter, and to that end to amend section one of an Act, approved March twentieth, nineteen hundred and five, entitled "An Act to amend section one of an Act entitled 'An Act to amend section one of an Act approved March twentieth, eighteen hundred and ninety-nine, entitled 'An Act to amend an Act entitled 'An Act approved February twenty-eighth, eighteen hundred and eighty-seven, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association, approved March seventh, eighteen hunderd and eighty-three, providing for an increase in the annual appropriation thereof, and changing the time for payment thereof,' approved March twenty-third, eighteen hundred and ninety-three, reducing the amount of such appropriation per capita, approved March twelfth, nineteen hunderd and one, by providing for a fixed annual appropriation of sixty-five thousand dollars in the place and stead of seventy-five dollars per annum for each and every aged and indigent United States ex-soldier, sailor or marine admitted to or residing at said Home."

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 56—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 57—An Act to amend section five of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Kohlman: Assembly Bill No. 59—An Act to amend article one (1), section eight hundred and twenty-seven (827) of the Civil Code,

relative to changes of terms of leases of lands or tenements from month to month.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Lemon: Assembly Bill No. 60—An Act creating and defining the liability of railroad companies for injuries to employés from the negligence of co-employés.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 61—An Act relating to the practice of osteopathy in the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings at the Southern California State Hospital, and to make appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals.

Also: Assembly Bill No. 63—An Act to provide for the erection of a horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 64—An Act to provide for the construction of storm ditches at the Southern California State Hospital, and to make appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 65—An Act to provide for the erection of an aseptic and sanitary dairy barn at the Southern California State Hospital, and to make appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 66—An Act to provide for the erection of two receiving cottages, and a hydrotherapeutic building in connection therewith, at the Southern California State Hospital, and to make appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Lynch: Assembly Bill No. 67—An Act authorizing the regents of the University of California to hold Farmers' Institutes, and making appropriation therefor.

Bill read first time, and referred to Committee on Universities.

By Mr. Hammon: Assembly Bill No. 68—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded food and regulating the traffic in food, providing penalties, establishing a State laboratory for food and drugs and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 70—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Coghlan: Assembly Bill No. 71—An Act to amend Sections

801 and 802 of the Penal Code of the State of California, relating to the time of commencing criminal actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 72—An Act to amend Section 686 of the Penal Code of the State of California, relating to the rights of defendants in a criminal action.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bell: Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March eighteenth, eighteen hundred and eighty-five," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Eshleman: Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337*a*, to prohibit betting or wagering by pool, or otherwise, upon the result of any trotting, pacing, or running race between horses, mares, or geldings, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 75—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Bill read first time, and referred to Committee on Health and Quarantine.

Also: Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligation of employers.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 77—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections to be numbered 1972 and 1973, relating to the rights of employés.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Higgins: Assembly Bill No. 78—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said Normal School, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union Veterans, who served honorably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 80—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home located at Evergreen, Santa Clara County, California.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Cornish: Assembly Bill No. 81—An Act to add a new section to the Political Code, to be numbered Section 2641*a*, and relating to the election of highway officers in counties of the forty-eighth and fifty-first classes.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Mr. Lucas: Assembly Bill No. 82—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code as it now exists, and to reënact and amend said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Transue: Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the land and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 84—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 85—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 86—An Act to provide for the purchasing of a site and building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the City of Los Angeles, and to make appropriations for the same.

Bill read first time, and referred to Committee on Millitary Affairs.

Also: Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said Bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Assembly Bill No. 88—An Act to provide one additional Judge of the Superior Court of the County of Los Angeles, State of California, for the manner of his appointment, and for his compensation.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 90—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Wilson: Assembly Bill No. 91—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Hewitt: Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 93—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District No. 6 of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 95—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District No. 70,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Sackett: Assembly Bill No. 96—An Act to amend an Act entitled "An Act to establish a Political Code, approved March 12, 1872," by amending Section 737 thereof, relating to the salaries of Judges of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. McConnell: Assembly Bill No. 97—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Thompson of San Francisco: Assembly Bill No. 98—An Act to amend the Code of Civil Procedure, by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 99—An Act to repeal Section 1036 of the Code of Civil Procedure, relating to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California, and by foreign corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 100—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1964, relating to evidence in actions for injuries from fire to woodlands.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 101—An Act to amend Sections 3346 and 3346*a* of the Civil Code, and to add thereto a new section, to be denominated Section 3346*b*, all relating to the measure of damages for injuries to timber and timber lands.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code, and to repeal Sections 384*a* and 384*b* of said Penal Code, all relating to forest fires.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 104—An Act entitled an Act to amend Section 685 of the Code of Civil Procedure of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 105—An Act to add a new section to the Penal Code, to be numbered Section 600*a*, relating to malicious burning of forests.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 106—An Act to create a State Board of Forestry, and prescribing its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation

of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley of Tulare Lake and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 108—An Act to repeal Title Sixteen of Part Four of Division First of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title Sixteen consisting of Chapter 1 and Chapter 2, to take the place thereof in said Code, relating to land and building corporations, mutual building and loan associations, and to other similar corporations and associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Assembly Bill No. 109—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigations.

Bill read first time, and referred to Committee on Federal Relations.

By Mr. Weske: Assembly Bill No. 110—An Act making an appropriation for the erection of a monument in the State Burial Plot at Sacramento to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Burke: Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 112—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities and towns.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 114—An Act to amend Section 137 of the

Civil Code of the State of California, relating to expenses of action for divorce, alimony, and maintenance.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 115—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisement and pay of appraisers.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 116—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 117—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities or towns.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 118—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the county recorder respecting the registration of marriages, births and deaths.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and towns in relation to the State Board of Health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 120—An Act to amend Section 2979*a* of the Political Code of the State of California, relative to the preservation of the public health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 121—An Act to amend Section 29 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors and duties and compensation of health officers appointed by such boards.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 122—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered 3084, relating to the printing and furnishing by the State Printer of blanks for the registration of births, marriages, and deaths.

Bill read first time, and referred to Committee on Public Printing.

Also: Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence

of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act."

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 124—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372*a*, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferryboats, steamers, boats or other vehicles or vessels used for the transportation of the public.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 127—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 128—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 129—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for a violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Costar: Assembly Bill No. 130—An Act to appropriate the sum of $8,000 for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Bishop: Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way,

and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons or washes, and confining said waters in such channels and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Bill read first time, and referred to Committee on Levees and River Improvements.

By Mr. Wyatt: Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Percival: Assembly Bill No. 133—An Act to amend Section 1382 of the Penal Code, relating to the dismissal of actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in Justices' Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to Superior Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 136—An Act to amend Section 809 of the Penal Code, relating to the filing of informations.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Pyle: Assembly Bill No. 137—An Act making an appropriation for searching for beneficial insects.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions, and prescribing the method of such formation, and of providing funds for said purposes.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Ludington: Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the Bay of San Diego, or in the entrance thereto.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 140—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 141—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California, for the purposes of a biological station.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 142—An Act to amend Section 2576 of the Political Code of the State of California, relating to the establishment of a Board of Harbor Commissioners for the Bay of San Diego.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 143—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 144—An Act to provide for making repairs, and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Leeds: Assembly Bill No. 146—An Act appropriating money providing for an exhibit at Jamestown Exposition.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 147—An Act providing for holding primary nominating elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Mr. Thompson of Los Angeles: Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code, relating to the assessment of property for taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Otis: Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relative to selecting and summoning jurors for courts not of record in incorporated cities.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Devlin: Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 154—An Act appropriating money for fur-

niture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of Justices of the Supreme Court for the current fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Hans: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Cutten: Assembly Bill No. 157—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Assembly Bill No. 158—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. McGuire: Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Stetson: Assembly Bill No. 160—An Act to appropriate the sum of fifty thousand ($50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. John: Assembly Bill No. 161—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 162—An Act making an appropriation for the construction and furnishing a dormitory building at the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 163—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Forbes: Assembly Bill No. 164—An Act to amend Sections Nos. 1182 and 1175 of the Penal Code of the State of California, relating to new trials.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Case: Assembly Bill No. 165—An Act to amend Sections 1510, 1511*a*, 1511*b*, 1512, 1514, 1514*a*, 1515, 1517, and 1518 of the Penal Code, relating to coroners' inquests and duties of coroners, and to repeal Section 1511 of said Penal Code.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Snyder: Assembly Bill No. 166—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 168—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 169—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 170—An Act appropriating money for the construction and equipment of a cold-storage plant at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 171—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

HOUR OF RECESS EXTENDED.

On motion of Mr. Johnson of Sacramento, at twelve o'clock and twenty-five minutes P. M., the hour of recess was extended until each member had the privilege of presenting his bills.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Mr. Snyder: Assembly Bill No. 172—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Transue: Assembly Bill No. 173—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

Bill read first time, and referred to Committee on Contingent Expenses and to printer with rush order, and set as a special order for consideration on to-morrow immediately after the reading of the Journal.

By Speaker Beardslee: Assembly Bill No. 174—An Act creating a

board of arbitration and investigation for the determination of all differences between employers and employés.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Davis: Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M., Tuesday, January 15, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 15, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—73.

Quorum present.

LEAVE OF ABSENCE.

On motion of Mr. Thompson of Los Angeles, Mr. Leeds was excused for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 14, 1907, on motion of Mr. Jury, its further reading was dispensed with.

SPECIAL ORDER.

The special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 173—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

CASE OF URGENCY.

Mr. Stanton offered the following:

Resolved, That Assembly Bill No. 173 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—66.

NOES—None.

Assembly Bill No. 173—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

Read second time.

MOTION.

Mr. Stanton moved that the Assembly resolve itself into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Assembly Bill No. 173.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Mr. Stanton moved that the committee do now rise and report back Assembly Bill No. 173, with the recommendation that it do pass.

Motion carried.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 173—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session—and do now report the same back and recommend that the same do pass.

BEARDSLEE, Chairman.

Report read and adopted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 173 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder,

Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—63.
NOES—None.

Title read and approved.
Bill ordered immediately transmitted to the Senate.

INTRODUCTION OF BILLS, ETC.

By Mr. Held: Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops, and the amount to be deducted as tare.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Wyatt: Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 179—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 180—An Act to amend Sections 1372, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 184—An Act to repeal Title VIII of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 185—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 186—An Act to amend Sections 1228, 1230,

and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 188—An Act to repeal Chapter III, of Title IV, of Part III, of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure, and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of decedents.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of property of deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads and of other property exempt from execution, belonging to estates of decedents.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 201—An Act to repeal Article II, of Chapter V, of Title XI, of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501*a*, all relating to claims against the estates of decedents.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Baxter: Assembly Bill No. 203—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Campbell: Assembly Bill No. 204—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 205—An Act to amend an Act authorizing the common council, board of trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, to provide for the payment of the same, approved March 9, 1897, by amending Section 1 thereof, relating to the refunding of indebtedness of incorporated cities or towns, and the issue of bonds of such city or town therefor, and the denomination of the bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. McMullin: Assembly Bill No. 206—An Act to compel railroads traversing incorporated cities and towns to maintain passenger depots and freight warehouses.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 208—An Act to amend Section 3546 of the Political Code of the State of California, relating to the statement to be furnished by the Register of the State Land Office to the District Attorney of each county in the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 209—An Act prohibiting discrimination between different sections, communities, or localities, unfair competition, and providing penalties therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 210—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Spaulding: Assembly Bill No. 211—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Hewitt: Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Weske: Assembly Bill No. 213—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 214—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 215—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Smith: Assembly Bill No. 216—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public

officers, the officers of courts, or by law, and defining newspapers of general circulation.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bush: Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 218—An Act allowing certain pensions for employés of twenty-one years and upwards of continued service by the State of California in one or more of the public institutions of this State, and providing for the payment thereof.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 219—An Act to amend Sections 2153*a* and 2154 of the Political Code of the State of California, relating to the appointment of a dentist in State hospitals for the care and treatment of the insane.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 221—An Act to provide for the preservation of the public records of the counties and cities of the State of California, by printing the same and binding the same, and for the payment thereof, and for the sale and distribution of portions thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 222—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State."

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Thompson of San Francisco: Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 224—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom except under certain stated conditions and restrictions.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 225—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so and providing

a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 226—An Act entitled "An Act to regulate commerce; to define common carriers and their powers and duties; to prohibit common carriers from being interested in certain commodities carried by themselves; to compel common carriers to provide switches and conveniences for transfer of commodities from one line to another; to compel the convenient exchange and transfer of commodities shipped to be transferred from one line to another; to prohibit the giving of rebates, special rates, drawbacks or other discriminations to shippers and common carriers; to prohibit and prevent discriminations between persons and places; to require the furnishing of facilities of interchange of traffic; to prohibit a greater charge for a short haul than for a long haul of passengers and freight where the discrimination or preference is to rates within this State; to prohibit the pooling of freight and division of earnings by the common carriers; to compel the filing with the State Board of Railroad Commissioners copies of all contracts or agreements between carriers; to require common carriers to expedite military traffic in time of war or of great public necessity; to require continuous carriage of freight unless a break, stoppage or interruption is required; to prescribe liabilities and penalties of common carriers for damages and providing for the recovery of damages and the methods of obtaining redress in certain cases of violation of this Act; to prescribe penalties for the violation of this Act, including penalties imposed upon the carriers guilty of such violation and also upon trustees, lessees, agents or persons acting for or employed by such carriers; to prescribe penalties for the false billing by carriers and officers or agents; also penalties for false billing by shippers and other persons; to provide penalties for inducing common carriers to discriminate unjustly; to provide for the taking of testimony in certain cases and for taking depositions in proceedings before the State Board of Railroad Commissioners, and the method of taking such depositions; to provide for the regulation and allowance to be made by the State Board of Railroad Commissioners where transportation is had over more than one line of road and the disposition and apportionment of the proceeds; to provide that proceedings brought under the provisions of the Act shall be expedited in the court and before the State Board of Railroad Commissioners; to provide penalties for false entries of accounts; to provide that carriers shall be liable to lawful holders of bills of lading for loss or damage to property; to provide that certain persons and property may be carried free or at reduced rates; to provide that the remedies herein granted are cumulative and shall not interfere with the other remedies provided by the Constitution of this State or by law."

Bill read first time, and referred to Committee on Corporations.

By Mr. Otis: Assembly Bill No. 227—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Cogswell: Assembly Bill No. 228—An Act making an appropriation of thirty-two thousand dollars to be used by the Board of

Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing additional land for the use of said school.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Hammon: Assembly Bill No. 229—An Act to appropriate the sum of ten thousand dollars to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Claims.

By Mr. Devlin: Assembly Bill No. 230—An Act making an appropriation of one thousand dollars ($1,000) to pay the claim of Edward W. Lehner against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Eshleman: Assembly Bill No. 231—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said Commissioner, his deputy, his agents and assistants, and making an appropriation therefor.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Snyder: Assembly Bill No. 232—An Act making an appropriation to pay the claim of Solinsky and Wehe against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Stetson: Assembly Bill No. 233—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Bill read first time, and referred to Committee on Judiciary.

By Speaker Beardslee: Assembly Bill No. 234—An Act to provide for the erection of a cottage on the farm of the Stockton State Hospital, for installing a heating plant in the same, and to appropriate money therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 236—An Act to provide for the repairing of the bathtubs and toilets and laying a cement flooring in the lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund

in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 238—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by conflagration or public calamity.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cutten: Assembly Concurrent Resolution No. 4—Approving two certain amendments of the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the the 19th day of June, 1905.

Resolution referred to Committee on Municipal Corporations.

By Mr. Leeds: Assembly Concurrent Resolution No. 5—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter, on the 28th day of March, 1906.

Resolution referred to Committee on Municipal Corporations.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following report and resolution:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1907.

MR. SPEAKER: Your special Committee on Building and Loan Corporations, appointed at the last session of the Legislature to report on the building and loan associations of this State and "to suggest such legislation, from said investigation, as they shall deem necessary," beg leave to report that they have submitted their report, with accompanying bill, and that they have incurred in the discharge of their duty the following expenses:

A. M. Drew	$94 00
J. P. Transue	290 00
P. A. King	71 00
Clerk	175 00
Stamps	15 00
Stenographer	25 00

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in honor of A. M. Drew for the sum of $670 out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

All of which is respectfully submitted.

DREW, Chairman.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

BERRY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—69.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, ——, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolutions:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for each member of the Assembly, the Chief Clerk, and Minute Clerk, and accredited newspaper representatives, Keystone binders, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

Have had the same under consideration and have amended same to read as follows:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for each member of the Assembly, the Chief Clerk, and Minute Clerk, and accredited newspaper representatives; also the Governor, Controller, Attorney-General, and Secretary of State, four Keystone binders, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

And recommend that it be adopted as amended.

BERRY, Chairman.

RESOLUTIONS.

By Mr. Forbes:

Resolved, That the name of Frank S. O'Brien be added to the list of attachés of the Assembly, as Porter, at a per diem of $3.00, from and including January 14, 1907, and that the Controller be authorized and directed to draw his warrant for the same, and the Treasurer directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Delvin, Drew, Eshleman, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Lemon, Lucas, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—64.

Noes—None.

By Mr. Whitmore:

Resolved, That the name of Marian T. Salazar be and the same is hereby substituted in lieu of the name of George T. Hanscom, and the name of Blanche Whitmore be and the same is hereby substituted in lieu of the name of Edward Whitmore, and the names of the said George T. Hanscom and Edward Whitmore are hereby dropped from the list of attachés of this Assembly.

Resolution read and, on motion, adopted.

By Mr. Stanton:

Resolved, That the Controller of the State be, and he is hereby directed to draw on the State Treasury in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, against the Contingent Fund of the Assembly in the sum of two hundred and eighty-two dollars ($282) for labor performed prior to the session in arranging the Assembly Chamber.

J. T. Stafford, twelve days at $6 per day	$72 00
C. W. Haub, twelve days at $5 per day	60 00
A. Bragg, twelve days at $3 per day	36 00
F. Y Madeley, eleven days at $3 per day	33 00
G. Morris, eight days at $3 per day	24 00
Y. F. Gunn, seven days at $3 per day	21 00
L. Solomon, four days at $3 per day	12 00
J. Kofod, three days at $3 per day	9 00
Ben Cohn, three days at $5 per day	15 00
Total	$282 00

Resolution read and, on motion, referred to Committee on Contingent Expenses.

REPORT OF SPECIAL COMMITTEE.

ON INAUGURAL CEREMONIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1907.

MR. SPEAKER: Your Committee on Inaugural Ceremonies, to whom was referred the conduct of the inauguration of Governor James N. Gillett and Lieutenant-Governor Warren R. Porter, beg leave to report that, in conjunction with the committee appointed by the Senate, they have approved bills therefor aggregating the sum of one thousand three hundred five and 77/100 ($1,305.77) dollars, as per schedule "A," annexed hereto, and made a part hereof. That the payment of the said sums was, under the terms of the resolution appointing your committee, to be made one half ($653.88½) out of the Contingent Fund of the Assembly, and one half ($652 88½) out of the Contingent Fund of the Senate. We therefore respectfully recommend the adoption of the following resolution:

Resolved, That the Committee on Inaugural Ceremonies be and they are hereby authorized to draw on account of the expenses of the said ceremonies the sum of six hundred fifty-two and 88¼/100 ($652.88½) dollars, and the Controller is hereby requested to draw his warrants for the said sum in favor of J. P. Transue, chairman of the Committee on Inaugural Ceremonies on the part of the Assembly, and the State Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

TRANSUE, Chairman.

SCHEDULE "A."

Statement of Expenses of Inaugural Ceremonies January 9, 1907.

General J. B. Lauck, for expenses transportation of troops, etc., National Guard of California		$671 97
Charles P. Hall, rent of Opera House		102 50
State Printing Office, printing		54 00
J. W. Kavanagh, expenses procuring flags		27 75
E. H. Cox & Son, decorations		105 00
Ryan's Orchestra, music		45 00
J. G. Genshlea, double quartet		40 00
Wright & Donnelly, carriages		100 50
J. Steppacher, typewriting, messengers, etc.		9 05
Secretary of committees		150 00
Total		$1,305 77
Senate	$652 88½	
Assembly	652 88½	
	$1,305 77	

Report read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—67.

NOES—None.

RESOLUTIONS.

By Mr. Strohl:

Resolved, That the name of Geo. Gould be substituted for that of R. S. Calish as Doorkeeper in report of Committee on Attachés.

Resolutions read and, on motion, adopted.

By Mr. Thompson of San Francisco:

Resolved, That the name of Walter S. Johnson on the list of attachés of the Assembly as an Assistant Engrossing and Enrolling Clerk, at a per diem of $5, be changed to that of a Stenographer, at a per diem of $5.

Resolution read and, on motion, adopted.

By Mr. McKeon:

Resolved, That the name of Wm. H. Walsh be substituted for and in the place of the name of Mrs. H. Smyth as an Assistant Committee Clerk, and that the name of Mrs. H. Smyth be dropped from the list of attachés.

Resolution read and, on motion, adopted.

By Mr. McMullin:

Resolved, That the name of T. B. Rice be dropped from the roll as Sergeant-at-Arms to Committee, and that said T. B. Rice be and is hereby appointed Assistant Engrossing and Enrolling Clerk at five dollars per diem; also Charles Nash be employed as Porter at three dollars per diem, said per diem to be paid out of the appropriation for contingent expenses of the Assembly; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said named persons for the said per diem; and the State Treasurer is hereby authorized and directed to pay the same.

Resolution read, and referred to Committee on Attachés.

By Mr. Lemon:

Resolved, That the name of Mrs. E. M. Odea, appearing on the list of Assembly attachés as Assistant Engrossing and Enrolling Clerk, $5 per day, be dropped from the roll and the name of Miss G. Foltz be substituted therefor.

Also:

The name of Miss Lillian Herzog, appearing as stenographer, at $5 per day, be dropped from the roll, and the name of Miss Mabel Meyer be substituted therefor.

Resolution read and, on motion, adopted.

By Mr. Pierce:

Resolved, That the report of the Committee on Contingent Expenses and Mileage be amended to read as follows:

Berry, T. J. T., Crescent City, $72.80 instead of $80.

Held, W. D. L., Ukiah, $30.00 instead of $40 60.

Said correction to be made in the Journal of Tuesday, January 8, 1907.

PIERCE, Chairman,
O'BRIEN,
BECKETT,
Committee.

Resolution read and, on motion, adopted.

By Mr. McConnell:

WHEREAS, The State of California has by legal enactment provided for the manufacture of jute grain bags at the San Quentin Prison; and

WHEREAS, The intent of the enactment was not only to provide employment for prisoners, but likewise to assist the agricultural interests of the State by furnishing grain bags at cost of production to actual grain raisers; and

WHEREAS, There is a common belief extant among the taxpayers of all classes that the State bag industry has been conducted either intentionally or indifferently in the interests of middlemen and bag speculators; therefore, be it

Resolved, That the Committee on State Prisons and Reformatory Institutions be and they are hereby requested to make due and thorough investigation of the bag industry as conducted at the San Quentin Prison, to the end that the people of the State may understand why there has been an unequal distribution of grain bags to the farmers of the State, and further that the charges of mismanagement and collusion on the part of the officials and bag speculators may be fully explained or the charges proven.

Resolution read and, on motion, adopted.

By Mr. Cutten:

Resolved, That the name of Grant Johnson be stricken from the roll of employés as Committee Clerk, as contained in report of Committee on Attachés, and that the name of L. McClellan be substituted therefor as Committee Clerk, at the per diem of $4.

Resolution read and, on motion, adopted.

By Mr. John:

WHEREAS, The Assembly of the State of California has learned with deep regret of the death of the Most Reverend Archbishop George Montgomery; and

WHEREAS, All Californians, without regard to religious creed or belief, fully recog-

nized in him a man of the purest and most patriotic citizenship and a divine of true Christian thoughts and motives; be it

Resolved, That the Assembly of the State of California deeply deplores his death, and that when it adjourns this day it adjourns out of respect to his memory.

Resolution read, and by a rising vote was unanimously adopted.

By Mr. Snyder:

Resolved, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names; said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 14th day of January, 1907; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons, for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

Joseph Datson, Assistant Sergeant-at-Arms	$5 00
Reginald Schofield, Assistant Committee Clerk	4 00

Resolution read, and referred to Committee on Attachés.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 14, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be and he hereby is authorized and directed to purchase, for the use of the members of the Assembly and the Chief Clerk, eighty-five copies each of the Bender-Chaquette edition of the Civil Code, Political Code, and General Laws, and Deering's Code of Civil Procedure and Penal Code, and Treadwell's edition of the Constitution of the State of California.

Have had the same under consideration and have amended the same to read as follows:

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase, for the use of the members of the Assembly and the Chief Clerk, eighty-five copies each of Deering's Pony Codes, General Laws, and Treadwell's Constitution of California, latest edition.

And recommend that it be adopted as amended.

BERRY, Chairman.

AMENDMENT.

The following amendment to the report was offered by Mr. Coghlan:

Amend to read: "Eighty-five copies of the Bancroft-Whitney pony edition of the Civil Code, the Code of Civil Procedure, the Political Code, the Penal Code of the State of California, and Treadwell's Constitution of the State of California." And in the option of the chairman of any committee he shall have the privilege to substitute in lieu of said pony codes for his and his committee's use a set of Kerr's Annotated Cyclopedic Codes, or any thereof, and Henning's General Laws.

And the Clerk of the Assembly is hereby authorized to purchase the same when necessary.

SUBSTITUTE.

Mr. Davis moved the adoption of the following substitute for committee report and proposed amendment:

Resolved, That the Sergeant-at-Arms of the Assembly be and he hereby is authorized and directed to purchase for the use of the committees and members of the Assembly, fifteen copies each of the Bender-Chaquette edition of the Civil Code, Political Code, and General Laws, and Deering's Code of Civil Procedure, and Penal Code and Treadwell's edition of the Constitution of the State of California, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

And be it further Resolved, The Committee on Rules and Regulations shall assign such books to the various committees and members of the Assembly, for their use during the present session of the Assembly, and at the conclusion of the thirty-seventh session thereof, the Committee on Rules and Regulations shall surrender all the books covered by this resolution to the Sergeant-at-Arms for delivery to the Secretary of State.

Substitute read.

The ayes and the noes were demanded.

The roll was called, and substitute refused adoption by the following vote:

AYES—Messsrs. Birdsall, Bishop, Bush, Butler, Cornish, Davis, Forbes, Hewitt, Kohlman, Lemon, McConnell, Percival, Pierce, Sackett, and Stanton—15.

NOES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Boyle, Burke, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Lucas, Ludington, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

AMENDMENT.

The question being on the adoption of the proposed amendment.

The ayes and noes were demanded.

The roll was called, and the proposed amendment was refused adoption by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Boyle, Burke, Campbell, Coghlan, Cornish, Cullen, Fisher, Fratessa, Hans, Held, Jury, Kelly, Kohlman, McKeon, McMullin, Root, Stetson, Strohl, Thompson of San Francisco, Toomey, Vogel, Wilson, and Wyatt—26.

NOES—Messrs. Baxter, Bell, Berry, Bishop, Bush, Butler, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Hammon, Hartmann, Hewitt, John, Johnson of Sacramento, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, and Mr. Speaker—43,

RESOLUTION.

Mr. Davis further moved to amend report and resolution as follows:

Resolved, That all the books purchased under the provisions of this resolution shall be the property of the State, for the use of the Assembly. The Committee on Rules and Regulations of the Assembly shall assign these books to the various committees and members of the Assembly, for their use during the present session, taking receipts therefor, and at the conclusion thereof the same shall be delivered to the Sergeant-at-Arms of the Assembly, for delivery to the Secretary of State.

Resolution read.

The ayes and noes were demanded.

The roll was called, and resolution refused adoption by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Butler, Chandler, Cornish, Costar, Cutten, Davis, Devlin, Eshleman, Forbes, Hammon, Hans, Held, Lemon, Lucas, McClellan, McConnell, Otis, Percival, Pyle, Sackett, Spaulding, Stanton, Stetson, Thompson of Los Angeles, and Weske—28.

NOES—Messrs Barry, Beban, Beckett, Bell, Berry, Boyle, Burke, Bush, Campbell, Case, Coghlan, Collister, Cullen, Drew, Finney, Fisher, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Ludington, McGuire, McKeon, McMullin, O'Brien, Pierce, Root, Smith, Snyder, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

HOUR OF RECESS EXTENDED.

On motion of Mr. Transue, at twelve o'clock and twenty-five minutes P. M., the hour of recess was extended until report of standing committee was concluded.

The question recurring on the adoption of the original report and resolution.

The roll was called, and the same adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Lucas, Ludington,

McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—65.

NOES—Messrs. Bishop, Davis, Finney, Forbes, Hewitt, Lemon, McConnell, and Sackett—8.

ADJOURNMENT.

At twelve o'clock and forty-five minutes P. M., the Speaker declared the Assembly adjourned until ten o'clock A. M., Wednesday, January 16, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 16, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 15, 1907, on motion of Mr. Held, its further reading was dispensed with.

CORRECTIONS OF THE JOURNAL.

The Journals of Thursday, January 10, and Monday, January 14, 1907, were corrected and approved.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SACRAMENTO, January 16, 1907.

MR. SPEAKER: Your special committee, to whom was referred Assembly Joint Resolution No. 10—Relative to the government of forest reservations, as pastures for stock, etc.—herewith report:

Upon investigation and inquiry, we find that the United States Government has already made provisions for the admission of stock, both cattle and sheep, to all of the

forest reserves. Cattle are admitted to all the reserves, at a cost of thirty-five cents per head for the season, for all over six months old; under that age, free. As the privileges are given, by preference, to people living in the foothills and adjacent valleys, the arrangement seems to be satisfactory, and requires no suggestion of modification from this committee.

The mountain ranges are so classified and divided by the Government officials that cattle, alone, are admitted to the lower or timbered regions, while sheep are permitted to occupy the higher ranges beyond the timber belts. "Trails," about a mile in width, are designated through the hills and timber belt, along which sheep are allowed to pass to and from the high summer ranges, thus avoiding controversies with cattle owners and ranchers.

About forty thousand sheep have been admitted to the Sierra Reserve (north), during the year, in addition to the large number of cattle, from which the Government has derived a revenue of about $8,000. The tax levied by the Government for these privileges seems to be entirely satisfactory to the owners of both cattle and sheep, and under the systematic plans adopted by the officials of the General Government, it seems likely that the controversies and troubles heretofore experienced by stockmen and tourists will disappear, and these vast mountain ranges, remaining perpetually under Government ownership and control, will become a source of profit and pleasure to the people of California.

JONES, Chairman.

On motion of Mr. Transue, the report was adopted as read.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ATTACHÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1907.

MR. SPEAKER: Your Committee on Attachés, to whom was referred the following resolution:

Resolved, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names; said per diem to be paid out of the appropriations for the contingent expenses of the Assembly; said appointments to date from and include the 14th day of January, 1907; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons, for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

Joseph Datson, Assistant Sergeant-at-Arms	$5 00
Reginald Schofield, Assistant Committee Clerk	4 00

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

THOMPSON, Chairman.

Report of committee and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—71.

NOES—None.

INTRODUCTION OF BILLS, ETC.

By Mr. Johnson of Sacramento: Assembly Bill No. 239—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 330 thereof, relating to illegal gaming.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 240—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing

penalties for the violation hereof, and to repeal an Act now in force relative to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 241—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provision without the Governor's approval March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 243—An Act to prevent any minor under the age of eighteen years visiting any race, race track, race course, prize-fight, cock-fight, or place where any race, prize-fight, or cock-fight is advertised or represented to take place, and to provide a punishment therefor.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 244—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 245—An Act to prevent the sale by minors under the age of eighteen years of any paper, newspaper, pamphlet, or periodical in which any race, horse race, prize-fight, cock-fight, or drawing in any lottery is advertised; and to prevent the sale to any minor under the age of eighteen years of any paper, newspaper, pamphlet, or periodical in which any race, horse race, prize-fight, cock-fight, or drawing in any lottery is advertised

Bill read first time, and referred to Committee on Public Morals.

By Mr. Burke: Assembly Bill No. 246—An Act to prevent a minor child misrepresenting his age to procure intoxicating liquors.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Drew: Assembly Bill No. 247—An Act regulating the loan of money when as security for such loan a lien is taken upon household furniture and effects, musical instruments, typewriters, and sewing machines, or upon any other personal property.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 248—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Jury: Assembly Bill No. 251—An Act to repeal Sections 258 and 259 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the publication of cartoons and caricatures and the signature of newspaper articles.

Bill read first time, and referred to Committee on Public Printing.

Also: Assembly Bill No. 252—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Bill read first time, and referred to Committee on Public Printing.

Also: Assembly Bill No. 253—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Otis: Assembly Bill No. 254—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Universities.

By Mr. Barry: Assembly Bill No. 255—An Act to provide for the location, survey, and construction of a State highway in Trinity County connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Transue: Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relative to the powers of railroad corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. Hewitt: Assembly Bill No. 257—An Act for the payment of fees for grand and trial jurors, and also for witnesses, who serve as such in Superior Courts of the State of California, and fixing the amounts therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Higgins: Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its Secretary and any of its members as delegates to the National Conference of Charities and Corrections and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other states, and to pay the necessary expenses thereof.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Coghlan: Assembly Bill No. 259—An Act providing for the deposit of two hundred thousand dollars by persons residing in other states and companies incorporated under the laws of other states, or counties, engaged in the transaction of insurance business in this State, which sum may be levied upon by the creditors of such persons or corporations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 260—An Act to amend Section 610 of the Political Code of the State of California, relating to the duties of the Insurance Commissioner, and to statements required to be made by persons or corporations doing the business of insurance in this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment or order or court, shall prima facie be deemed made under proceedings duly had.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Thompson of Los Angeles: Assembly Bill No. 262—An Act to amend Section 1925 of the Political Code, relating to the National Guard and troops of cavalry therein.

Bill read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 263—An Act entitled an Act to amend Section 1669 of the Political Code, relating to the establishment of high schools.

Bill read first time, and referred to Committee on Education.

By Mr. Perçival: Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of such persons following such business and the sanitary conditions of barber shops in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Strohl: Assembly Bill No. 265—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East Street, in the block bounded by Drumm, Washington, Jackson and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Whitmore: Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the land embraced within such districts, and also to provide for the distribution of water for irrigation purposes, approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18, and by adding a new section, to be known as Section 55*a*.

Bill read first time, and referred to Committee on Irrigation.

By Mr. Beckett: Assembly Bill No. 267—An Act making an appropriation of ($250,000) two hundred and fifty thousand dollars to aid in the construction of a library building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Universities.

By Mr. Eshleman: Assembly Bill No. 268—An Act appropriating six thousand dollars ($6,000) for the support of the department of music in the Univerity of California for two years.

Bill read first time, and referred to Committee on Universities.

By Mr. Stetson: Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197*a*, relating to claims against counties for the expense of keeping insane prisoners.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State Hospitals.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Wyatt: Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 275—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators and the settlement of such accounts.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of estates of deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734 and to amend Section 1737 of the Code of Civil Procedure, all relating to Public Administrators.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, to be numbered 1760, all relating to guardians.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 284—An Act to repeal Title XIII, of Part III, of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1880, 1881, 1905, 1906, 1915, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, and 1982 of the Code of Civil Procedure, to repeal Section 1973 thereof, and to add a new section thereto, to be numbered 1947, all relating to evidence.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 286—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2023 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 289—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. McGuire: Assembly Bill No. 292—An Act to amend Section 3415 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to actions in the courts to determine contests concerning the purchase of land from the State.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cutter: Assembly Bill No. 293—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees selected or appointed for this purpose.

Bill read first time, and referred to Committee on Corporations.

By Speaker Beardslee: Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street along the property of the Stockton State

Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Drew: Assembly Bill No. 297—An Act authorizing the Regents of the University of California to hold Farmers' Institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of the State in relation thereto.

Bill read first time, and referred to Committee on Universities.

RESOLUTIONS.

The following resolutions were received and read:

By Mr. Finney:

Resolved, That the name of Edna Connors, appearing on the list of Assembly attachés, as Committee Clerk at $4 per day, be stricken from the roll and the name of A. Reynolds be substituted therefor.

Resolution read and, on motion, adopted.

By Mr. Root:

Resolved, That the name of J. B. Hyslop, appearing on the list of attachés as Watchman, be stricken therefrom and that of Daniel Deeble be substituted as Watchman.

Resolution read and, on motion, adopted.

By Mr. Burke:

Resolved, That the name of Nora B. Andrews, heretofore appointed Stenographer at a per diem of $5 be stricken from the roll of attachés, and the name of Anna Langan is hereby substituted in place thereof, at the same per diem.

Resolution read and, on motion, adopted.

BILLS RE-REFERRED.

By suggestion the Speaker re-referred the following bills to committees as indicated:

Assembly Bill No. 78, from Committee on Ways and Means to Committee on Public Buildings and Grounds.

Assembly Bill No. 68, from Committee on Ways and Means to Committee on Public Health and Quarantine.

Assembly Bills Nos. 100, 101, and 105, from Committee on Revision and Reform of Laws to Committee on Judiciary.

Assembly Bill No. 227, from Committee on Judiciary to Committee on Municipal Corporations.

Assembly Bills Nos. 166, 168, 169, 170, 171, and 172, from Committee on Ways and Means to Committee on State Prisons and Reformatory Institutions.

Assembly Bill No. 81, from Committee on Elections and Election Laws to Committee on Roads and Highways.

Assembly Bills Nos. 213, 214, and 215, from Committee on Ways and Means to Committee on State Hospitals and Asylums.

Mr. Lemon moved that Assembly Bills Nos. 63, 64, 65, and 66 be re-referred to Committee on Ways and Means and withdrawn from Committee on State Hospitals and Asylums.

Motion lost.

Assembly Bill No. 228, recalled from committee and re-referred to Committee on State Prisons and Reformatory Institutions.

MOTION.

On motion of Mr. John, the privileges of the floor were extended to Hon. Ernest Weyand and Hon. J. H. Hollister, ex-members of the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of the standing committees were received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1907.

MR SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the Controller of the State be and he is hereby directed to draw on the State Treasury in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, against the Contingent Fund of the Assembly in the sum of two hundred and eighty-two dollars ($282) for labor performed prior to the session in arranging the Assembly Chamber:

J. T. Stafford, twelve days at $6 per day	$72 00
C. W. Haub, twelve days at $5 per day	60 00
A. Bragg, twelve days at $3 per day	36 00
F. Y. Madeley, eleven days at $3 per day	33 00
G. Morris, eight days at $3 per day	24 00
Y. F. Gunn, seven days at $3 per day	21 00
L. Solomon, four days at $3 per day	12 00
J. Kofod, three days at $3 per day	9 00
Ben Cohn, three days at $5 per day	15 00
Total	$282 00

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BERRY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

NOES—None.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following concurrent resolution correctly enrolled:

Assembly Concurrent Resolution No 1—Relative to the opening and publishing of the returns of the election for Governor and Lieutenant-Governor, as provided by the Constitution.

Has been correctly enrolled and presented to the Governor on this day at ten minutes to ten o'clock A. M.

HANS, Chairman.

JOINT RESOLUTION.

By Mr. Baxter:

ASSEMBLY JOINT RESOLUTION No. 2.

WHEREAS, There is now pending in the House of Representatives, Bill No. 7017, introduced by the Hon. James C. Needham, Congressman from the Sixth Congressional District of the State of California, providing for the transfer of certain National Parks from the Department of the Interior to the Department of Agriculture, and for other purposes; and

WHEREAS, It is deemed for the best interests of the government of said parks that jurisdiction thereof be transferred from the Department of the Interior to the Department of Agriculture, as provided for in said bill; therefore, be it

Resolved, by the Senate of California and the Assembly jointly, That Senators in Congress are hereby instructed and our members in Congress be requested to use all honorable means to secure the passage of said bill above-mentioned;

And be it further Resolved, That a copy of these resolutions be forthwith transmitted by the Chief Clerk of the Assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California.

ADJOURNMENT.

At eleven o'clock and twenty-three minutes A. M., on motion of Mr. Stanton, the Assembly adjourned until ten o'clock and thirty minutes A. M. of Thursday, January 17, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 17, 1907.

At ten o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—73.

Quorum present.

LEAVE OF ABSENCE.

On motion, the following members were granted leave of absence for the day: Messrs. Pierce, Hammon, Stanton, Campbell, Kohlman, and Toomey.

PRIVILEGES OF THE FLOOR.

On motion, the privileges of the floor were extended to Messrs. McKeon, Mayon, and Judge Cutler.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 16, 1907, on motion of Mr. Leeds, its further reading was dispensed with.

CORRECTIONS OF THE JOURNAL.

The Journal of Tuesday, January 15, 1907, was corrected and approved.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and ordered printed in the Journal:

ON EDUCATION.

To the Legislature of the State of California, thirty-seventh session:

This committee was appointed by virtue of the following resolution adopted at the thirty-sixth session of the Legislature:

"*Resolved by the Assembly of the State of California*, That a special committee of five members of this Assembly be appointed by the Speaker, and that such committee be charged with the duty of thoroughly investigating the system of common schools in this State and the laws governing the same; that said committee report to the next Legislature, submitting recommendations as a result of its investigations, which, in its judgment, may be thought necessary in order to eliminate all confusion and conflict. Said committee shall be entitled to receive from the Contingent Fund their actual traveling expenses incurred in performing its duty herein prescribed and the expense of such clerical assistance as may be necessary in connection therewith."

Under the authority thus conferred this committee held eight sessions, two at San Francisco, one at Berkeley, two at Sacramento, one at Los Angeles, one at Oakland, and one at Fresno, at which suggestions were presented by the leading educationists of the State relating to changes in the school laws, and much valuable information was secured, thus enabling the committee to reach conclusions that may result in beneficial legislation. A considerable amount of correspondence produced other valuable ideas and the Legislative Reference Department of the State Library furnished a very useful bibliographical index of various subjects investigated by your committee.

This committee also wishes to acknowledge the receipt of valuable assistance from members of the State Teachers' Association, and pertinent suggestions and recommendations from the Convention of City and County Superintendents, many of which recommendations have been adopted.

Submissive to the spirit of the resolution of its appointment, this committee has discharged its duty from the viewpoint of the State and not from the point of view of the several counties, school districts, or other centers. The Constitution of the State provides, and the Supreme Court has so interpreted its language, that the matter of education is a State affair, not a local concern of the people of the several districts; that the school system should be a homogeneous whole that shall produce an equality of results in all portions of the State.

At the outset, however, we have reached the conclusion that no locality should be deprived of all of its powers of initiative and direction as to its educational affairs. The views of leading educators are to the effect that the best educational system is that which divides power and responsibility between the State and the smaller units thereof. This view has been adopted by this committee.

Present Needs of the School System.

The most pressing need of the State school system according to all the testimony adduced by this committee, is for a larger number of qualified teachers in the elementary schools. The evidence of this need may be found in the following facts:

School district trustees in many cases report extreme difficulty in obtaining competent teachers, and still greater difficulty to retain a competent teacher when once secured. Some remote districts report serious delays in the opening of school at the proper time, owing to the inability to secure any kind of a teacher.

The normal schools are supplying a less proportion of the new teachers required than they did a few years ago.

Local boards of education have very few applicants for teachers' certificates. In some instances qualified persons have to be personally importuned to become applicants.

One County Superintendent is on record as offering to take the entire output of one normal school in his county, such being the demand for qualified teachers.

Another County Superintendent reports: "Our schools have held their own in number. The teachers are not so good and are getting worse, all sorts of derelicts being able to get back into the ranks by virtue of the insufficiency of the supply of teachers. * * * The large ungraded schools are sending their share of graduates, but the teachers who can successfully teach them are leaving the ranks of the teaching profession."

It is notable also that male teachers are leaving the profession very rapidly and comparatively few are entering it.

There are two causes that appear to be operating most strongly to deplete the schools of efficient instructors:

1. Inadequate pay as compared with other occupations;

2. Increased difficulty and added expense to meet the requirements of schools and colleges which aim to educate teachers.

It may be stated also that the recent establishment of high schools has operated to attract teachers who otherwise might have attached themselves to the elementary

schools; as the high schools offer larger salaries and higher social position, it is but natural that a teacher should seek to become qualified to fill the more exalted position.

There is also to be noted a steady drift of teachers from the rural schools to the town schools and from thence to the larger cities, also caused by the attractiveness of larger salaries and greater social advantages.

This movement has been growing and the conditions above reported have been intensifying for several years and appear likely to continue for several years to come. Therefore it is time that some means should be taken to counteract this tendency and to establish some sort of a policy that will supply for our educational system the required number of qualified teachers.

This matter recently formed a subject for the investigation of the "Commonwealth Club" of San Francisco, and from the report of the educational section thereof we take the following extract:

"It is worth while to compare the salaries of male teachers in California with the pay of other male workers in the State, for here are found relations that are of force in determining the number of men engaged in teaching, and that help to lengthen or shorten the total period of service as well as the tenure in each position. In 1904, according to the report of the United States Bureau of Labor, street laborers in San Francisco received $15 per week, or $750 per annum, allowing two weeks for rest or sickness. During the same year iron molders received a minimum wage of $3.25 per diem. This gave these skilled workmen $950 per annum after allowing for Sundays, holidays, and a two weeks' vacation. The salary statistics collected by Dr. Frederic Burk for the school year 1903-4 show that thirty-four per cent of the male teachers of California received less than $750 per annum, and were consequently more poorly paid than unskilled street laborers in San Francisco; and seventy-one per cent of the male teachers received less than the $950 paid to iron molders.

"The following facts have been collected by the section from County and City Superintendents concerning salary conditions of the current school year, 1905-6:

"In San Francisco the maximum salary of elementary school teachers is $996; the minimum $720; the average, $888. In the other cities under supervision the highest salary of elementary teachers is $912, and the minimum is $540. One of these cities has an average salary as high as $878, and another has an average as low as $630.

"In forty-six counties of the State, including all the cities considered above except San Francisco, the salaries of regular teachers and principals are as follows:

14 receive	$400 or under
677 receive	$401 to $500
1,617 receive	$501 to $600
2,782 receive	$601 to $700
1,689 receive	over $700

"At least fifty per cent of the 1,689 teachers last mentioned are serving in high schools. It should be noted that almost all of the teachers receiving less than $600 are employed in country schools; and that a very large per cent of those receiving over $600 teach in cities. These figures, therefore, point out one of the reasons why the rural and small town schools are being deserted so often in favor of employment in the schools of cities."

As above indicated one remedy for existing conditions must be by the way of making the teaching profession more remunerative. The demand for higher salaries must be met and with promptness if we wish to retain the efficiency of our school system. How to meet this demand for the better payment of the teachers is the problem that has confronted this committee.

Several plans have been submitted to this committee which will have the effect of securing an increase in the salaries of teachers.

One plan is to increase the amount of State aid to the primary and grammar schools, and as the law requires that all money apportioned by the State shall be exclusively used to pay salaries, it would follow that naturally the individual salaries would be probably increased. The method by which the amount appropriated by the State in support of the primary and grammar schools may be increased is by the enactment of a law which will increase the number of school census children by including all children between the ages of five and twenty years. The law at present includes only those between the ages of five and seventeen years. As the amount of the State school tax to be levied each year is determined by the number of school census children the proposed increase will produce a like increase in the amount of the State school fund which is distributed among the several counties and eventually reaches the fund from which teachers are paid.

This plan of increasing the amount of the State school fund would secure approximately $500,000 more for the purpose of paying salaries. A similar result could be secured by increasing the amount to be raised by taxation from seven to eight dollars per census child; or, if the amount be increased from seven dollars to nine dollars the increase would approximate $900,000.

Two members of the committee, Messrs. Slaven and Strobridge, indorse the proposition to increase the State fund, believing that this will secure a substantial increase in the pay of teachers and produce a marked improvement in the number and quality of the teachers of the elementary schools.

Two other members of the committee, Messrs. Treadwell and Thompson, while equally anxious to favor some means of increasing the salaries of teachers, do not indorse the plan of increasing the amount of State aid, believing that the increase

should be borne by the several counties, cities, and school districts. In support of this position it is pointed out that from the last biennial report of the Superintendent of Public Instruction, during the last fiscal year the financial expenditure in support of the primary and grammar schools was as follows: State funds, $3,880,740; local funds of counties, cities, and school districts, $3,681,439; percentage of State aid, over fifty per cent. In support of high schools: State funds, $210,570; local funds, $2,204,341; percentage of State aid, ten per cent. In support of the State University the State contributed $380,000, while the local subdivisions contributed nothing. The amount per census child contributed by the State in support of the primary and grammar schools was $9, and the amount for each child enrolled in the primary and grammar grades was $13.

From the report of the United States Commissioner of Education for the year 1904 (the latest report issued), are taken statistics showing the expenditures in support of the schools made in several states.

Name of State.	Total Expenditure for Schools.	Amount Contributed by State.	Percentage of State Aid.
New York	$47,642,780	$4,491,720	.095
Pennsylvania	29,169,920	5,446,175	.19
Massachusetts	16,436,780	316,919	.002
Illinois	20,884,417	1,805,326	.09
Ohio	17,838,802	2,104,683	.118
Iowa	10,636,069	214,525	.002
Indiana	9,634,691	2,324.720	.241
Missouri	9,203,855	1,778,189	.20
Michigan	8,871,295	1,929,961	.22
California	8,758,582	3,863,473	.44

The above table comprises the expenditures of the ten states of the Union that expended the largest sums for school purposes. While California ranks tenth in the total sum expended it stands first in the above list in the percentage contributed from State funds. Several of the Southern and a few of the Pacific States give a larger percentage of State aid.

It will be noted from the above table that many of the states which enjoy the reputation of having the highest educational advantages, contribute but little support from State funds, and it does not follow that should this State enlarge its support that added efficiency would thereby be secured to the school system.

Changes made in the school law by the last Legislature required larger sums to be raised in support of the schools, and it is noted from the last report of the Superintendent of Public Instruction that about $700,000 additional revenue was raised during the last fiscal year.

The purpose of most of the legislation mentioned was to effect an increase in the salaries paid teachers. Many counties in the State report that salaries have been increased and also that the school term has been lengthened in many rural districts. In connection with the report of the superintendent it will be noted that the balance in the local school funds shows an increase of about $400,000 over that of the previous year. It would appear, therefore, that instead of raising the salaries of teachers the local officers in many cases permitted the increased available funds to remain unexpended and the same appear in the form of additional cash on hand at the close of the fiscal year. It is probable that next year will witness a greater increase in salaries than has yet taken place.

It is acknowledged that the result of the apportionment law enacted by the last Legislature has produced beneficial results by increasing the salaries of teachers in the rural districts and by lengthening the school term in many of the smaller districts, and furthermore that the full benefit has not yet accrued.

But it appears to the members of the committee that do not indorse the plan of increasing the amount of the State School Fund, that the difficulty in the way of increasing the pay of teachers is the lack of means of discriminating between those who deserve higher pay and those who do not, for it is probable that the beginner in the ranks receives at least a fair salary considering the lack of experience. It is those who have taught for years who find their efforts, however deserving, are not sufficiently rewarded. Feeling this and not seeing any incentive to special effort, they relax their energies, become indifferent as to the quality of their work, and the general efficiency of the school system is seriously impaired. Any scheme that merely puts more money in the school fund is not going to solve the problem. There is no certainty that an increase of funds will increase the pay of the teachers who really deserve it. It will not prevent local school officials from employing more teachers than may be required, or from employing special teachers, or in other ways eating up the increased funds, while the inadequacy of pay of the efficient teachers may remain as it is.

This committee is of the opinion that an effective way of raising salaries of the teachers is by the establishment of a salary schedule by act of the Legislature. This schedule should be a graduated one, relatively small for beginners, but increasing year by year until the maximum is reached. Thus an inducement would be held out for teachers to remain in the profession. There might also be provision made for rewards to those of exceptional efficiency as a stimulant to extra endeavor. In this way the efficiency of the school system would be measurably increased.

As a measure that may have the effect of increasing the pay of teachers we have been asked to recommend one which will provide that sixty per cent of all county school money be applied to the payment of teachers' salaries. This recommendation is unanimously given, and a measure to this end is herewith presented.

Manual Training, Etc.

While the improvement of the school system of the State has been rapid and gratifying in the extreme, we would be doing ourselves an injustice did we not call attention to the advances made in educational lines by other states and other countries. In certain lines of educational work more rapid progress has been made by other states and by foreign countries than here. Particularly is this true in the matter of industrial education. Manual training is now recognized as being a necessary part of the modern school system. The most eminent authority on this subject, Prof. Calvin M. Woodward, of St. Louis, has this to say:

"By 'manual training' is understood 'the systematic study of theory and use of common tools, the nature of common materials, elementary and typical processes of construction, and the execution and reading of mechanical drawings.' * * * The real object of manual training is not to construct certain objects, which are only the incidental means, but to develop mastery and power as a result of effort made. In coöperation with mental training it strengthens and disciplines all the faculties; the 'whole boy' is put to school."

On the same subject Prof. James P. Munroe, of Boston, maintains that manual training when "rightly conceived, and carried on, promotes coördination, develops creativeness, broadens comprehension and strengthens character."

Prof. W. T. Harris, formerly United States Commissioner of Education, says: "Tool work with its theory and with natural science is permanently educative."

The demands on this committee for a recognition of manual training and domestic science and other forms of industrial education in the courses of study in our common schools have been many and emphatic, and we would be derelict in our duty did we fail to heed them. We have therefore presented measures for your consideration providing for manual training and domestic science as "studies" that may be taught in the primary and grammar schools. There is already ample authority for the establishment of polytechnic high schools and for the adoption of industrial courses by the several high school districts of the State. A visit made by this committee to the Los Angeles Polytechnic High School demonstrated to us the extreme usefulness of such institutions, and we are inclined to the belief that should the State be eager to expend a larger sum in support of the schools that it would be wise to specify that a considerable portion thereof should be devoted to the encouragement of industrial education.

Agricultural Education.

Not only is it interesting but it is highly important that we should note the development of recent years in the matter of providing for the young a means of acquiring a knowledge of the science of agriculture. The Congress of the United States early recognized the necessity of providing some means of disseminating a practical knowledge of this important industry, and did so by liberal endowments of "agricultural colleges" in several states of the Union.

The framers of our State Constitution recognized the importance of our leading industry by declaring that "the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvements."

Our State University is one of the "agricultural colleges" endowed by Congress. It is a question with us whether the Legislature has performed its full duty in the matter of "agricultural improvement." Congress has, as above stated, endowed a college; the Legislature has in part supported its department of agriculture, and two years ago added to its resources by authorizing the purchase of an experimental farm. But the question has been put to us: "Has not this encouragement been commenced at the wrong end?" The statistics of our State University show an enrollment in the agricultural department of only 123 students out of a total enrollment of 3300. It is notorious that the State is giving a higher education to a larger number of young men and women who aim to enter professions than to those who aim to adopt agricultural pursuits. There is something wrong in the system that accomplishes this result. Moreover, when we consider the fact that but a small percentage of the pupils in our secondary schools ever reach the University, we are forced to the conclusion that the failure of the system above noted is at least in part due to our neglect to provide the necessary impulse in our secondary schools to those whose aspirations are other than scholastic. In other words, agricultural education should properly commence in the primary and grammar grades by suitable "nature studies," to be followed by a certain degree of specialization in the high schools. The graduate of a high school ought to be given a good elementary knowledge of agriculture (that is, if the pupil so desires), so that if circumstances forbid him the privilege of a University course he can be at least partially equipped to enter upon an agricultural avocation.

As it now is, our high schools are fitting their graduates for a higher education of the scholastic sort; they are being fitted to enter at the literary end. The curriculum of the average high school is arranged with a view of meeting the requirements of the University as laid down by the scholars. There are no "credits" given for any sort of

industrial training by high schools. It therefore seems to this committee that if the Legislature is to promote "agricultural improvement" it is high time to provide a course of study in our secondary schools that will lead students in the direction of our "agricultural college." And if we are ever to increase the percentage of the pupils who shall enter the University we must make the University attractive for an entirely different class of boys and girls than those now attending. We should endeavor to make it a school for "toilers" as contradistinguished from "scholars." Even if we cannot do this, we can at least give some instruction in our high schools that will better fit its graduates to enter upon industrial occupations. The polytechnic high schools now being rapidly instituted tend toward satisfying the demand for trades workers. In addition there should be courses in agriculture and its allied sciences provided, or, what might be still better, there might be agricultural high schools, which, while not neglecting the scholastic branches, would make prominent the specialty which the name suggests.

Agricultural high schools are no longer an experiment in several of the Eastern States and, where they have been established, are said to be highly successful. In Wisconsin schools of agriculture and domestic science were provided for by an act of the Legislature of 1901. This act was amended by the Legislature of 1903, providing for at least four of such schools and providing that the amount of state aid received by each shall equal two thirds the amount actually expended for maintaining the school during the year, provided that no more than $4,000 shall be apportioned to any one school in any one year. The course of study covers two years, and includes the elements of agriculture, domestic science, political and domestic economy, with work in composition, literature, United States history, and civics, and commercial arithmetic with farm accounts. Before these schools are entitled to State aid their work must be approved by the State Superintendent and Dean of the Agricultural College maintained by the State University. Two schools have been organized and maintained under the law. Their creation seems to be fully justified. The instructors of the school improve every opportunity to talk to the citizens of the county on all suitable occasions. An increased interest in agriculture has arisen as a result. A few acres of land for farming purposes is apportioned for the use of such agricultural school.

Following the lead of Wisconsin comes similar legislation in Illinois and Minnesota, and other states are preparing to join the procession.

This committee has framed a measure providing for the establishment of courses of agriculture and domestic science in high schools and giving financial aid to such schools. We trust that it will become a law.

Uniformity of Text-Books.

There has been a suggestion made that some legislation should be had with a view of securing a greater degree of uniformity of text-books in the various high schools; also that there should be a nearer approach to uniformity in the courses of study. At present there are over 175 high schools in the State and each high school board has the authority to adopt text-books and establish courses of study in its particular school. In removing from one district to another the pupil usually finds his entire school plans disarranged and at the same time is compelled to purchase an entirely new set of text-books. In order, however, to meet the suggestion and remove the cause of the difficulty the Legislature would have to confer upon some central body the power to adopt text-books and approve courses of study. The committee is not prepared to recommend that such power be vested in the State Board of Education, as the members thereof are already overburdened with duties. This subject is hereinafter incidentally referred to, under the head of "School Supervision."

Free Text-Books.

Nearly every Legislature during the past ten years has been importuned to furnish the State text-books free to all pupils. To meet this demand an amendment to the Constitution will be required. Moreover, it may not be economical or wise for the State to undertake this scheme. The law now permits local boards of education and trustees to purchase text-books for the use of children whose parents are unable to purchase them. This provision is objected to on the ground that it puts the badge of poverty on the children who use the books so furnished, and besides those parents who are poor but proud do not like to avail themselves of this charity, while others, less deserving, take advantage of it. In case this Legislature should not wish to go to the extent of furnishing text-books free to the entire State, we would propose as a substitute measure a law that will give to each county the right to furnish free text-books within its limits. It might be considered wiser to enact such a law than to amend the Constitution so that the furnishing shall be done by the State. If the several counties should undertake this scheme the responsibility would be brought directly home to the people and the gift would be more likely to be appreciated and the expenditures more safely guarded.

In the following states text-books are required to be furnished free: Delaware, Idaho, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Wyoming, Nebraska (twelve states).

In the following it is optional with local boards to furnish text-books free: Colorado Connecticut, District of Columbia, Iowa, Kansas, Michigan, Minnesota, Montana, New York, North Dakota, Ohio, South Dakota, Utah, West Virginia, Wisconsin (fifteen states).

Maryland limits its state appropriation for this purpose to $150,000, and so far as we have any information on the subject this is the only state that purchases text-books from its state funds. The local districts bear the expense in all other cases. As to the advantages of a system of free text-books we would call attention to the investigation of the subject made by the United States Commissioner of Education and reported in the report of the Commissioner for the year 1901. The testimony adduced was almost overwhelmingly in favor of free text-books. (See also report of Commissioner for year 1902, page 2390; for the year 1903, page 2415, and for the year 1904, page 2279.)

Supplementary Text-Books.

Serious complaint has been made that a system is much in vogue by which parents are practically obliged to purchase a lot of so-called "supplementary" readers and text-books for their children at the suggestion, usually, of the teacher. From investigation we believe the complaint to be well founded. We have, therefore, proposed a bill which will incorporate into the code a law forbidding the teacher to suggest to the pupil the advisability of purchasing any such supplementary book; that when such books are actually required they must be provided by the school district and paid for out of the school funds of the district. As expenses of this kind would diminish the amount available for salaries, it is believed that the evil complained of would soon cease.

School Supervision.

For some time past there has been a demand from educationists for a more adequate supervision of the rural schools. The law requires of the county superintendent that he shall personally visit each school in his county at least once a year. In many counties this is as often as he can inspect a school, and under such conditions the inspection must be very superficial. The intelligent supervision of schools has been made a theme for almost endless discussion among educators, and several solutions for the present problems connected therewith have been proposed. One suggestion has been made to the effect that each county superintendent appoint a number of deputies, and that these deputies (with himself) should constitute the county board of education. This might work well in the more populous counties where the services of a number of deputies would be required, but would hardly be a suitable scheme for the smaller counties, where the superintendent is able to do all of the supervision. Another plan is to permit the county supervisors to appoint the members of the county board from a list of names furnished by the county superintendent. This might work well at times; sometimes it would cause a clash between the board of supervisors and the superintendent. A similar plan for appointing boards in municipalities has disclosed its weakness. The declaration has been made that there should be supervision by experts. All will agree to this, but thus far no efficacious scheme for obtaining the services of none but experts has been brought forward.

At this point this committee proposes to assert the right, as well as the duty of the State to see that there is proper supervision of the schools—both rural and city. Not necessarily that it will always command the services of experts, but the State should exercise some function of supervision by reason of the superior interest of the State in securing the highest welfare for the child—its future sovereign. It is not a matter calling for the exercise of district authority, or county authority, or city authority—it is a State affair. The State contributes more than $4,000,000 of its funds annually to support the schools. It should have an opportunity to see that this vast sum was properly expended; to see that competent teachers were actually employed and that approved methods of instruction were intelligently exemplified. The concern of the State is the welfare of the child. How can the State ascertain and safeguard the welfare of the child without inquiry as to the conditions surrounding him?

Herein are illustrated the limitations placed upon the State in the matter of unifying the State school system. The Constitution commands the Legislature to provide a system of common schools which the Supreme Court has said must be a State system, and yet the same instrument grants little or no power to State officers. The Superintendent of Public Instruction exercises but a limited ministerial power and the State Board of Education has but little real power other than to provide a State series of text-books. Taking it for granted that the State should exercise some powers of supervision, the Constitution does not provide a means, and that instrument should be amended. We are inclined to the opinion that there should be a State Board of Education exercising enlarged powers. But a glance at the composition of the board as at present constituted will show that it can not exercise any more power to advantage. Not that there is any objection to the personnel of the present board; they are all estimable men and highly competent educators. But they all have other duties to perform and to impose additional duties at this time would mean that they would have to neglect those for which they were primarily appointed. Moreover, it will be noticed that the dominating influence of the board is that radiating from the "higher educational" circle, and no law would be sanctioned by the people that would vest in them the control of the entire school system. Your committee therefore presents a proposed constitutional amendment providing for a new State Board of Education as a necessary and preliminary step toward providing an adequate scheme of school supervision by the State. The next Legislature then will be in a position to deal more intelligently with this important matter.

It may be well in this connection to refer back to the suggestion of providing for a

greater uniformity in the matter of text-books and courses of study for high schools. If the above amendment to the Constitution should be adopted, it would make comparatively easy the matter of adopting regulations governing this subject. The new State Board of Education would then be the proper central body to which could be delegated the necessary power; in fact the power of supervision would necessarily include the supervision of text-books and courses of study as well as the matter of supervising the methods of teaching. Through this body the different portions and departments of the school system could be properly related—articulated as it were—and out of it would evolve a uniformed system, which is so necessary when we come to contemplate what should be a complete and harmonious whole.

School Libraries.

Several suggestions have been made to the committee for the improvement of the service of school libraries. Statistics show there are about 1,600,000 volumes in the libraries of the several school districts. The habit of reading good books is one which should be inculcated in every child. Yet during vacations and on other non-school days this vast storehouse of knowledge is locked up in the schoolhouse and made practically inaccessible. It has been suggested that boards of trustees should have wider discretionary powers in respect to school libraries; that libraries might be made accessible during vacations; that in towns having public libraries the school library might be consolidated therewith under such conditions as might be agreed upon by the several authorities. The suggestions appear to be good and we present bills to secure the desired result.

High Schools and the University..

A considerable time of the committee has been devoted to securing an understanding of the relationship existing between the high schools and the State University. Complaints were made that the system of "accrediting" high schools was, in effect, a "cramming" process applied to schools instead of to individuals. From time to time the "standard of efficiency" has been raised until the demands upon the high schools required that they, too, should raise their standard of efficiency for admission to these schools from the grammar grade, and it was seriously suggested that some of the studies usually taught in the high school should be commenced in the lower grades. The effect of this cramming soon became evident and many protests against the entire accrediting system were vehemently made.

In reply to the accusations it was pointed out that the accrediting system had increased the efficiency of the high schools, had increased their number, and had increased the percentage of high school graduates enrolled in the university. Very naturally this should be so, when the reputation of a high school depended upon its being upon the accredited list of the university; there was also a rivalry among principals to see how many graduates each school could furnish to the university.

But it must be noted in this connection that this claim for "increased efficiency" and "higher standards" was from the viewpoint of the scholar. Nothing was said in respect to the increased efficiency of the seventy per cent of the graduates who did not attend the university, but were forced to assume at once the active and pressing duties of life. Were they better equipped to fight life's battles? Would it not have been better for them had less attention been paid to the meeting of university requirements and more time given to the task of fitting them for the great university of life, where knowledge is gained by the struggle for existence? These are serious questions, but it is hardly necessary to answer them here, for the announcement has been made that the accrediting system is to be modified, if not abolished. It is proposed that any graduate of a high school will be admitted to the university, without examination, when presenting, in addition to a diploma of graduation, a written recommendation or certificate from the principal that the holder is qualified to do university work.

An investigation of this question will reveal that the scheme is more objectionable than is the accrediting system. It is plain to be seen that the practice involves the issuance of two diplomas of graduation; one a diploma showing a completion of the high school course and another called a "recommendation" permitting the holder to enter the university. We wish to voice an emphatic protest against the dividing of our high school pupils into classes; for it must be evident to any thoughtful person that this division will be made in the early years of the high school course. Pupils soon after entering high school usually indicate their intention of attending the university or otherwise. Those who are to receive a higher education will very naturally be given the "university attention," while those who are to shift for themselves will be in fact left to shift for themselves during the entire high school term. The efficiency of the school will depend upon the efficiency of those who will attend the university; the others, constituting the large majority, will not count, for there is no way of measuring their efficiency after they have left school. The efficiency of the school will be increased as regards its ability to furnish university entrances, but it will be done at the expense of the "ordinary" graduates. In reality there will be a lowering of the average of efficiency. The effect also of dividing our high school pupils into two classes will be more than likely to be demoralizing to the pupils themselves. It may result in prematurely driving away from school many of those who would otherwise complete the high school course. The view of this committee is, therefore, that the proposed system should be severely condemned.

We would be censured, however, if we should merely content ourselves with the condemnation of a system without, at the same time, endeavoring to supply a better one, and we have earnestly sought for a solution of the problem confronting us.

We have taken the view that all of our children should be treated upon a basis of equal ity and that the purpose of a school system was not that alone of producing "scholars"; rather it is to make the young men and young women more capable and better fitted to enter upon any chosen occupation and to assume the severe duties and responsibilities of life.

Applying this view of the matter at hand, we hold that every graduate holding a high school diploma should by right be entitled to receive at the hands of the State a higher education if he so desires. If he is not capable of taking a full university course he should be entitled to take as much thereof as his capabilities will permit. If he is incapable of taking any part of the education offered, then it is a matter for the university authorities to either provide a course that he can take, or dismiss him from the institution. If the latter should be done, then it should not be charged up as a fault of the high school that sent him there.

This committee has therefore proposed a law requiring but one certificate of graduation from a high school, and prescribing that the holder of such a diploma shall be entitled to enter the university without examination.

To forestall any charge that this proposed law will result in lowering the standard of efficiency of the high schools, we have provided for a system of inspection under the direction of the State, and should any high school fall below what may be required by the State, then such school will be deprived of the right to issue any diploma whatsoever. Surely this penalty will be sufficiently severe to prevent any deterioration on the part of our high schools. We may add by way of explanation that the inspection proposed will be performed by some competent man appointed for that express purpose by the Superintendent of Public Instruction. We believe that upon examination this plan will disclose much to commend it. We are informed that a similar plan exists in one or more of the Eastern States.

The University and Normal Schools.

The State has established five normal schools for the education and training of teachers, and these are maintained at a large expense to the State. We note with exceedingly great regret that the attendance at these schools appears to be diminishing and that they are not at the present time supplying as large a percentage of the new teachers required as they did ten years ago. On the other hand, the State University has established a pedagogical department and has to a considerable extent usurped the functions of a normal school. It appears, however, that comparatively few of the graduates of this department become teachers in the primary and grammar grades, as the high schools offer greater inducements for them. Moreover, the committee is informed that the graduates of the normal schools make better teachers in the elementary schools than do the university graduates. This is because there is no training department connected with the university. Moreover, we note that this Legislature is asked to make a large appropriation for the establishment of such a training department at the university. In view of the fact that the State has invested a large amount of money in the establishment of normal schools, we believe that they should be continued as the training schools for teachers of the common schools, and that their usefulness in this regard should not be destroyed by permitting the university to usurp the functions of the normal schools.

In this connection we would urge upon the managers of the several normal schools that they make strenuous efforts to elevate these institutions to a higher plane of usefulness, and endeavor, if possible, to enlarge the output of teachers.

Certification of Teachers.

The committee proposes a few minor changes, or rather additions, to the law respecting the certification of teachers, as follows:

1. Temporary certificates good until the next annual examination. At present temporary certificates are valid for only six months, but examinations are now held only once a year.
2. That holders of kindergarten certificates issued upon a normal school diploma be entitled to teach in the lower primary grades.
3. That a special manual training certificate be issued to the holder of a diploma of a normal school showing him to have completed a course in manual training.

Medical Inspection.

It has been pointed out to the committee that many cases of the inability of pupils to do school work are due to physical disabilities. In several of the Eastern States, and more notably in some foreign countries, systems of medical examination are provided for schools with a view of detecting the causes of physical deficiency, and excellent results have been reported. We think it wise that some action should be taken by this State. We have reported a bill providing for a system of medical examination for elementary schools, which, while not as comprehensive as may be required, will be a step in the right direction.

The High School Law.

We propose a few minor changes in the laws providing for the organization of high schools.

We propose that high school trustees shall be elected by the district at large instead of by districts as at present. The objection to the present law is that where a number of small districts are united with a large one, it is the smaller districts that control the board.

We also propose a change in the law governing the annexation of districts to a high school district already organized, so that the people of the annexed district may be taxed for the bonds issued to build the school buildings, should they so desire to be taxed.

Tuition.

The committee also proposes a change in the method of paying tuition. At present many school districts enjoy the advantages of a high school without contributing to the support of one. The pupils of such districts attend a neighboring high school and pay tuition to the same when the district ought to have a high school of its own or become a part of some high school district. The committee therefore proposes a law that will make the tuition fee a charge against the school district. As the spirit of our educational system is antagonistic to personal charges for education, we believe the amendment proposed therewith is a proper one. Similar laws prevail in Eastern States.

Compulsory Education.

The committee finds that the present compulsory education law is inadequate for the purposes for which it was intended. Adequate means for its proper enforcement are not provided, and, furthermore, it is only applicable to the larger cities. Important amendments are proposed to this law for the purpose of widening its scope and providing more ample means for its enforcement.

Miscellaneous Matters.

The committee has prepared a number of bills amending such sections as conflict with other sections; also making a few changes that appear to be needed to correct errors that have inadvertently been made by ill-considered amendments, and others that will facilitate the work of school administration. None of these make any important change in the school law.

Conclusion.

The committee in making these recommendations has been, and the Legislature in adopting any legislation should be, governed solely by what is for the good of the children of the State. The rights of the teachers are but to be incidentally considered and never should control. It should be always kept in mind that the teachers are for the schools, and not the schools for the teachers.

Another thing that should be carefully considered in adopting any legislation is the necessity for almost complete independence between the primary and grammar schools and the high schools, and between the high schools and the university. The tendency of the university to make mere preparatory schools of the high schools has become a recognized evil, and this in turn has compelled the high school to reflect back on the common schools with the same result.

It is only a small proportion of the graduates of the grammar schools that ever enter the high schools, while the great majority enter immediately upon the great struggle for existence. This great majority, which only get the advantage of State education for a short period, should be the chief care of the State. Their education should be practical and above all complete so far as it goes. They should be masters of those elementary studies which they will need in all walks of life.

As a matter of fact, less and less attention is being given to the elementary studies. The three "R's" are constantly being neglected, and new studies being substituted so as to prepare the student for the course in the high school. Many students go out of the common schools with a smattering of all kinds of studies, but unable to intelligently express themselves in English, much less to legibly write or correctly spell.

When we reach the high schools the condition is, if anything, still worse. Only a small proportion of the graduates of the high schools ever enter the university, still the main aim of those schools has been to prepare the pupil for the university. Every teacher and every principal has been confronted with the necessity of having the school "accredited" to the university. In order to be accredited the school must teach the studies that the university authorities require, and in some cases even use the books recommended by them. The pupil is also given to understand that the chief aim is to reach these requirements. Here, again, the chief aim is not to prepare the pupil for the work of life, upon which the great majority of graduates must enter, but to prepare for the university, to which but a small majority ever go. A smattering of the studies which will later be taken at the university is forced upon the pupils; cramming becomes a necessity; the number of studies is constantly increased, until a pupil is compelled either merely to cram in order to pass the examinations or to break down under the strain. The time has come when the course of study in the grammar and high schools must be simplified. More attention must be given to the essentials. The aim must be

to make men and women who are able to enter upon the work of life, and not merely upon the career of scholars. Let us make the common schools for the common people.

Respectfully submitted.

JAMES SLAVEN,
EDW. K. STROBRIDGE,
E. F. TREADWELL,
N. W. THOMPSON,
Committee.

H. A. MASON, Secretary.

Mr. J. H. Creighton, who was appointed a member of this committee, having removed from the State, did not participate in its proceedings.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1907.

MR. SPEAKER: Your special Committee on Education, appointed at the last session of the Legislature, to investigate the school laws of the State and to report the result of such investigation to this Legislature, beg leave to report that they have submitted their report, with the accompanying bill, and that they have incurred in the discharge of their duty the following expenses:

James Slaven	$174 00
E. K. Strobridge	134 50
N. W. Thompson	145 00
E. F. Treadwell	80 00
Salary of Secretary	330 00
Cash advanced by Secretary for typewriting and traveling and postage	118 00
Total	$981 50

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the sum of $981.50 be paid out of the Contingent Fund of the Assembly to pay the expenses of the special Committee on Education, as shown by the above statement, and the Controller is hereby authorized and directed to draw his warrant therefor in favor of E. K. Strobridge, acting chairman of said committee, and the Treasurer is authorized and directed to pay the same.

STROBRIDGE, Acting Chairman.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ATTACHÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1907.

MR. SPEAKER: Your Committee on Attachés, to whom was referred the following resolution:

Resolved, That the name of T. B. Rice be dropped from the roll as Sergeant-at-Arms to Committee, and that said T. B. Rice be and is hereby appointed Assistant Engrossing Clerk at five dollars per diem; also Charles Nash be employed as Porter at three dollars per diem, said per diem to be paid out of the appropriation for contingent expenses of the Assembly; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said named persons for the said per diem; and the State Treasurer is hereby authorized and directed to pay the same.

Also:

Resolved, That the following-named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following-named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same:

H. Hammond, Assistant Engrossing and Enrolling Clerk	$5 00
J. J. Calish, Assistant Committee Clerk	4 00
S. Burge, Committee Clerk	4 00
E. J. Niles, Committee Clerk	4 00
H. Bonnell, Committee Clerk	4 00
M. S. Harloe, Committee Clerk	4 00

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

H. THOMPSON, Chairman.

The roll was called, and report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—68.
NOES—None.

SENATE MESSAGE.

The following message from the Senate was received:

SENATE CHAMBER, SACRAMENTO, January 17, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency:
Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-seventh session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

Senate Bill No. 231 read first time.

RESOLUTION.

By Mr. Transue:

Resolved, That Senate Bill No. 231 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.
The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Case, Chandler, Cogswell, Collister, Costar, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—66.
NOES—None.

SECOND READING OF THE BILL.

Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-seventh session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.
Bill read second time.

MOTION.

Mr. Transue moved that the Assembly resolve into a Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bill No 231.
So ordered.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.
Senate Bill No. 231 was considered in Committee of the Whole.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the thirty-seventh session of the Legislature, and directing the State Controller and State Treasurer to make such transfer—and do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

Report adopted.

Senate Bill No. 231—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-seventh session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Read third time.

The question being on the final passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, O'Brien, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Mr. Transue moved that Senate Bill No. 231 be immediately transmitted to the Senate.

So ordered.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Chandler: Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts."

Bill read first time, and referred to Committee on Education.

By Mr. Estudillo: Assembly Bill No. 300—An Act to amend Section 626*a* of the Penal Code of the State of California, relating to game and fish.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 301—An Act to amend Section 637*a* of the Penal Code of California, relating to game and fish.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Hewitt: Assembly Bill No. 302—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, to to be expended by and under the direction of said Board for the purpose of purchasing and operating necessary dredges and machinery to be used in deepening and rectifying the channels of the Sacramento,

San Joaquin, and Feather rivers, and other channels of the State, and improving the navigability of such streams.

Bill read first time, and referred to Committee on Levees and River Improvements.

Also: Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Strobridge: Assembly Bill No. 304—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1675, relating to the issuance of diplomas to the graduates of the high schools of the State entitling the holders thereof to enter the University of California.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 305—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1534, providing for the appointment of an Inspector of High Schools, defining his duties and fixing his compensation.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for the violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act to be numbered Section 7½.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relative to studies to be taught in the primary and grammar schools.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 309—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties, or cities and counties of the State.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 310—An Act to amend Section 5 of an Act entitled "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor

Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 312—An Act appropriating two hundred and fifty thousand ($250,000) dollars to aid in the construction of an agricultural building to be erected by the Regents of the University of California in Alameda County on the grounds of the University of California; also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 313—An Act providing for courses of study in agriculture and domestic science in high schools, and making an appropriation in aid thereof.

Bill read first time, and referred to Committee on Education.

By Mr. Thompson of Los Angeles: Assembly Bill No. 314—An Act to amend Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled 'An Act creating a fund for the benefit and support of high schools and providing for its distribution,'" approved March 2, 1903, approved March 6, 1905.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 315—An Act amending Section 1503 of the Political Code of the State of California, relating to normal school diplomas.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 316—An Act to amend Section 1820 of the Political Code, relating to the county school tax.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 317—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1829, relative to district school taxes.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 318—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.

Bill read first time, and referred to Committee on Education.

By Mr. Hans: Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of School Superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

Bill read first time, and referred to Committee on Education.

By Mr. Cogswell: Assembly Bill No. 320—An Act making an appropriation of $7,500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building, and furnishing and equipping the same at said school.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Cogswell: Assembly Bill No. 321—An Act making an appropriation of $3,500 for a manual training building for Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 322—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Transue: Assembly Bill No. 323—An Act regulating the foreclosure of power of sale mortgages, deeds of trust containing powers of sale, and conveyances in trust, or otherwise, to secure debts or other obligations, whereby the trustee is invested with power to sell the property, and prescribing the manner in which such powers of sale shall be exercised.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor General.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Leeds: Assembly Bill No. 325—An Act to amend Section 628*a* of the Penal Code, relating to striped bass.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 326—An Act to amend Section 626*a*, 626*d*, 626*f*, and 626*k* of the Penal Code, relating to the taking or killing of game birds and animals.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 327—An Act to add a new section to the Penal Code, to be known as Section 628½, relating to the taking of shrimps.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 328—An Act to amend Section 628*b* of the Penal Code, relating to the taking or killing of black bass.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Sackett: Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Bill read first time, and referred to Committee on Education.

By Mr. Collister: Assembly Bill No. 330—An Act to provide for the investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same; and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations; making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

By Mr. Kelly: Assembly Bill No. 331—An Act relating to pawnbrokers, companies, and corporations doing business as such, prescribing penalties for the violation of any of the provisions of this Act.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cornish: Assembly Bill No. 332—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. McClellan: Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to the buying, selling, or taking of steelheads.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Bishop: Assembly Bill No. 334—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Spaulding: Assembly Bill No. 336—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 337—An Act making an appropriation of one thousand six hundred and twenty-one ($1,621) dollars to repay the Regents of the University of California for moneys appropriated by them to rebuild the barn of the Lick Observatory at Mt. Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 338—An Act making an appropriation of five thousand ($5,000) dollars for the purpose of completing the photographic laboratory in combination with a fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Berry: Assembly Bill No. 339—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Eshleman: Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to the taking out of any life insurance policy within the State of California, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Lynch: Assembly Bill No. 341—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 342—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Bill No. 343—An Act pro-

viding for an appropriation of $8,000 for the purpose of purchasing additional land along the south line of "L" Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about "Sutter's Fort."

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Held: Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-seventh and fifty-eighth fiscal years.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 345—An Act making an appropriation to pay the claim of Chas. J. Morf against the State of California.

Bill read the first time, and referred to Committee on Claims.

By Mr. John: Assembly Bill No. 346—An Act to amend Section 3658 of the Political Code, relating to the duties of Supervisors.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Burke: Assembly Bill No. 347—An Act to authorize the depositing of county and municipal moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Root: Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stetson: Assembly Bill No. 349—An Act to amend Sections 4332 and 4333 of the Political Code of the State of California, relating to fees of public officers.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State Hospitals.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State Hospitals.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State Hospitals.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Wyatt: Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed there-

from; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Chandler: Assembly Bill No. 354—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Wilson: Assembly Joint Resolution No. 3—Relative to amending the existing tariff law, providing for a relief in San Francisco for a period of five years by admitting all building material into the port of San Francisco free of all duty.

Resolution referred to Committee on Federal Relations.

By Mr. Thompson of Los Angeles: Assembly Constitutional Amendment No. 6—Proposed amendment to Article IX of the Constitution, relative to the appointment of a State Board of Education.

Referred to Committee on Constitutional Amendments.

By Mr. Root: Assembly Constitutional Amendment No. 7—Relative to county and township offices.

Referred to Committee on Constitutional Amendments.

By Mr. Johnson of Sacramento: Assembly Concurrent Resolution No. 6—Relative to improvement of waterways in the Sacramento and San Joaquin valleys.

Resolution referred to Committee on Federal Relations.

Also: Assembly Concurrent Resolution No. 7—Relative to the establishment of a parcels post.

Resolution referred to Committee on Federal Relations.

By Mr. Beckett: Assembly Concurrent Resolution No. 8—Relative to shortage of coal now existing in San Francisco.

Resolution referred to Committee on Federal Relations.

SPECIAL ORDER.

Report of committee on this resolution made a special order of business to be taken up immediately after the reading of the Journal on Friday, January 18, 1907.

BILLS RE-REFERRED.

By suggestion, the Speaker re-referred to committees as indicated:

Assembly Bills Nos. 143 and 144, from Committee on Education to Committee on Public Buildings and Grounds.

Assembly Bill No. 130, from the Committee on Ways and Means to Committee on Public Buildings and Grounds.

Assembly Bill No. 60, from the Committee on Capital and Labor to Committee on Judiciary.

Assembly Bill No. 160, from the Committee on Ways and Means to Committee on State Hospitals and Asylums.

Assembly Bill No. 293, from the Committee on Corporations to Committee on Judiciary.

RESOLUTIONS.

The following resolutions were received:

By Mr. Baxter:

Resolved, That each member be allowed to give to the Chief Clerk a list of ten names as a mailing-list, and that as many clerks be assigned by him for duty, for the purpose

of mailing each day whatever literature each member may desire to be mailed to his constituents, the cost of the same to be paid from the Contingent Fund of this Assembly.

Resolution read and, on motion, referred to Committee on Contingent Expenses and Accounts.

By Mr. Transue:

Resolved, That the State Printer be instructed to print one thousand (1,000) copies of all Assembly bills, files, histories, journals, constitutional amendments, and joint resolutions, beginning with January 7, for the use of the Assembly.

Resolution read and, on motion, adopted.

By Mr. Transue:

Resolved, That the Sergeant-at-Arms be authorized to engage three expert telephone operators to operate the substation installed in this building by the Sunset Telephone and Telegraph Company for the convenience of the Legislature, and that they be employed as such at a per diem of $4.00; that the Controller be and he is hereby directed to draw his warrants, and the Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Assembly. The names of the aforementioned operators to be certified to the Chief Clerk by the Sergeant-at Arms as soon as employed and added to this resolution.

Resolution read and, on motion, referred to Committee on Contingent Expenses and Accounts.

REPORT OF STANDING COMMITTEE.

The following report was received on contingent expenses:

Resolved, That the name of Elmore Sullivan, as a Page, be dropped from the roll of attachés of the Assembly.

THOMPSON, Chairman.

Report of committee read and, on motion, report and resolution adopted.

RESOLUTION.

The following resolution was received:

By Mr. Berry:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to rent ten additional typewriting machines for the use of the stenographers of the Assembly, and the Controller of State is hereby authorized to draw his warrant for the amount of the rental, and the Treasurer is directed to pay the same out of the fund for the contingent expenses of the Assembly.

Resolution read and, on motion, referred to Committee on Contingent Expenses and Accounts.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to rent ten additional typewriting machines for the use of the stenographers of the Assembly, and the Controller of State is hereby authorized to draw his warrant for the amount of the rental, and the Treasurer is directed to pay the same out of the fund for the contingent expenses of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

BERRY, Chairman.

Report read.

The roll was called, and report and resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Bishop, Burke, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Eshleman, Fisher, Fratessa, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McMullin, O'Brien, Percival, Pyle, Root, Smith, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—Messrs. Birdsall, Boyle, Lemon, McClellan, McKeon, Otis, Sackett, and Smyth—8.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 8—Relative to the shortage of coal in various portions in the State of California—have had the same under consideration, and respectfully report the same back, and recommend unanimously that same do pass.

COGHLAN, Chairman.

SPECIAL ORDER.

By consent, the report was made the special order of business to be taken up immediately after the reading of the Journal on Friday, January 18, 1907.

REPORT OF STANDING COMMITTEE.

The following report and resolution was received:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to move the Speaker's desk to the center of the north side of the Assembly Hall, and to rearrange the members' seats in conformity thereto, the work to be done as soon as possible.

Have had the same under consideration, and report the same to be a physical impossibility to comply with the resolution, and recommend that it do not pass.

BERRY, Chairman.

Report and resolution read and, on motion, adopted.

ADJOURNMENT.

At twelve o'clock, noon, on motion of Mr. Johnson of Sacramento, the Assembly adjourned until ten o'clock and thirty minutes A. M. of Friday, January 18, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 18, 1907.

At ten o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Burke, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa,

Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

Quorum present.

LEAVE OF ABSENCE.

On motion, the following members were granted leave of absence for the day: Messrs. Fisher, Hammon, Stanton, Hans, Burke, Beckett, Barry, Kohlman, Smith, and McConnell.

PRIVILEGES OF THE FLOOR.

On motion, the privileges of the floor were extended to Mr. H. G. W. Dinkelspeil.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 17, 1907, on motion of Mr. Leeds, its further reading was dispensed with.

CORRECTION OF THE JOURNAL.

The Journal of Wednesday, January 16, 1907, was corrected and approved.

SPECIAL ORDER.

Mr. Drew moved that report of Assembly Concurrent Resolution No. 8 be taken up immediately after the reading of the Journal on Monday, January 21, 1907.

So ordered.

REPORTS OF STANDING COMMITTEES.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following report and resolution—

MR. SPEAKER: Your special Committee on Education, appointed at the last session of the Legislature, to investigate the school laws of the State and to report the result of such investigation to this Legislature, beg leave to report that they have submitted their report, with the accompanying bill, and that they have incurred in the discharge of their duty the following expenses:

James Slaven	$174 00
E. K. Strobridge	134 50
N. W. Thompson	145 00
E. F. Treadwell	80 00
Salary of Secretary	330 00
Cash advanced by Secretary for typewriting, traveling and postage	118 00
Total	$981 50

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the sum of $981.50 be paid out of the Contingent Fund of the Assembly to pay the expenses of the special Committee on Education, as shown by the above statement, and the Controller is hereby authorized and directed to draw his warrant therefor in favor of E. K. Strobridge, acting chairman of said committee, and the Treasurer is authorized and directed to pay the same.

STROBRIDGE, Acting Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—64.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That each member be allowed to give to the Chief Clerk a list of ten names as a mailing-list, and that as many clerks be assigned by him for duty, for the purpose of mailing each day whatever literature each member may desire to be mailed to his constituents, the cost of the same to be paid from the Contingent Fund of this Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

Mr. Berry moved the adoption of the report and resolution.

AMENDMENT.

The following amendment to the resolution was offered by Mr. Devlin: That in line one of the resolution, after the words "list of," the word "ten" be stricken out and the word "three" be inserted in lieu thereof.

AMENDMENT TO AMENDMENT.

Mr. Thompson of San Francisco offered as an amendment to the amendment that the word "five" be substituted in lieu of the word "three," as proposed in the amendment.

Amendment to amendment lost.

Amendment lost.

The question recurring on the original report and resolution.

The roll was called, and report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Forbes, Fratessa, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McKeon, McMullin, O'Brien, Percival, Root, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, and Wyatt—49.

NOES—Messrs. Devlin, Eshleman, Estudillo, Held, John, Lemon, McClellan, Otis, Pyle, Stetson, Strobridge, Thompson of San Francisco, and Mr. Speaker—13.

The following report of standing committee was received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure"—report the same back with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 7—An Act to amend Section 534 of the Political Code—report the same back with two amendments, and recomend its passage as amended.

Also: Assembly Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings—report the same back with three amendments, and recommend its passage as amended.

Also: Assembly Bill No. 18—An Act to amend Section 686 of the Penal Code of the

State of California, relating to the rights of a defendant in a criminal action—report the same back with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case—report the same back with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602½, relating to the tearing down of fences and the opening of gates, bars and fences, and the hunting upon lands of another, and the killing, maiming, or wounding of any animal, and the leaving of camp fires burning or unextinguished—and recommend that it be referred to the Committee on Revision and Reform of Laws.

G. L. JOHNSON, Chairman.

Mr. Johnson of Sacramento moved that Assembly Bill No. 24 be re-referred from Committee on Judiciary to Committee on Revision and Reform of Laws.

So ordered.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution—

Resolved, That the Sergeant-at-Arms be authorized to engage three expert telephone operators to operate the substation installed in this building by the Sunset Telephone and Telegraph Company for the convenience of the Legislature, and that they be employed as such at a per diem of $4; that the Controller be and he is hereby directed to draw his warrants, and the Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Assembly. The names of the aforementioned operators to be certified to the Chief Clerk by the Sergeant-at-Arms as soon as employed and added to this resolution.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The roll was called, and report and resolution was refused adoption by the following vote:

AYES—Messrs Baxter, Beban, Berry, Birdsall, Boyle, Burke, Bush, Coghlan, Cornish, Cullen, Drew, Fratessa, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, McGuire, McKeon, McMullin, O'Brien, Root, Snyder, Spaulding, Strohl, Thomson of San Francisco, Toomey, Transue, Wessling, and Wilson—33.

NOES—Messrs. Butler, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Eshleman, Estudillo, Finney, Fisher, Held, Higgins, John, Lucas, Ludington, McClellan, Otis, Percival, Pyle, Sackett, Smyth, Stetson, Strobridge, Thompson of Los Angeles, Vogel, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—33.

RESOLUTION.

By Mr. Baxter:

Resolved, That the Chief Clerk be instructed to appoint one of the Committee Clerks as Chief Mailing Clerk, such Mailing Clerk to be authorized to appoint at least five other clerks to assist him in mailing any literature desired by this Assembly.

Resolution read, and referred to Committee on Attachés.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Mr. Johnson of Sacramento:

ASSEMBLY CONCURRENT RESOLUTION No. 9.

WHEREAS, There is now pending in the State and Federal courts an action brought by the United States authorities in which it is sought to obtain a judgment that will force Japanese into our public schools; and

WHEREAS, The people of California believe that the State has the right to regulate the manner in which the common schools of the State are conducted, including the right to say what pupils shall be received therein and what excluded therefrom; and

WHEREAS, The actions now pending are against the school authorities of the City and County of San Francisco and not against the authorities of the State, but inasmuch as in the opinion of the Legislature of California the question presented is one of great

importance to California and directly affects the sovereignty of the State and the right of each State in the Union to manage its own domestic affairs; therefore, be it

Resolved by the Assembly, the Senate concurring, That the Attorney-General be and he hereby is directed to appear in said actions on behalf of the State, and to assist the authorities of the City and County of San Francisco in the defense of said actions.

SPECIAL ORDER.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Concurrent Resolution No. 9 was made a special order for Monday, January 21, 1907, at eleven o'clock and forty minutes A. M.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Mr. Eshleman: Assembly Bill No. 355—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof, and by adding a new section immediately after Section 1918, to be numbered Section 1918*a*, relating to the rate of interest that may be agreed upon in written instruments.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Finney (by request): Assembly Bill No. 356—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of Judges of the Superior Court.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. McClellan: Assembly Bill No. 357—An Act to pay the claim of Albert G. Lafferty, and making appropriation therefor.

Bill read first time, and referred to Committee on Claims.

By Mr. O'Brien: Assembly Bill No. 358—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to elections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 359—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provisions," by amending Sections 2 and 12, making provisions for enforcing the above Act as amended by appropriating money therefor.

Bill read first time, and referred to Committee on Dairies and Dairy Products.

By Mr. Birdsall: Assembly Bill No. 360—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 361—An Act to amend the Penal Code of the State of California by adding three new sections thereto, to be

numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

By Mr. Strobridge: Assembly Bill No. 362—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1866, relating to medical examination of pupils in public schools.

Bill read first time, and referred to Committee on Education.

By Mr. Collister: Assembly Bill No. 363—An Act to amend Section 12 of an Act entitled "An Act to define the duties and to license land surveyors," approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cogswell: Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under County Boards of Horticultural Commissions.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Berry: Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Drew: Assembly Bill No. 366—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, and 12 thereof.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Kelly: Assembly Bill No. 367—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 368—An Act to amend Section 1918 of the Civil Code, relating to the rate of interest to be charged on loans and to add a new section to the Civil Code, to be known as and numbered 1921, relating to the recovery of overpaid interest, and to add a new section to the Civil Code, to be known as and to be numbered as 1922, relating to the collection of interest upon interest, and to repeal Section 1919 of said Civil Code.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Thompson: Assembly Bill No. 369—An Act approved April 23, 1893, entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof, together with the amendment thereto."

Bill read first time, and referred to Committee on Election Laws.

By Mr. Lucas: Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Thompson of Los Angeles: Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Johnson of Sacramento: Assembly Bill No. 372—An Act to enable executors to compel persons having in their possession copies of accounts, exhibits under oaths, inventories and other documents relating to the probate of any estate which was in course of probate on the 18th of April, 1906, and the records whereof, filed with the Superior Court of this State, were burned in whole or in part by the fire occurring on or about the 18th of April, 1906, which fire burned a portion of the City of San Francisco, to deliver said copies to such executor or executors upon demand made for them or any of them accompanied by a copy of an order of court requiring their delivery to such executor or executors; that such executor or executors may make therefrom true and correct copies to be used as records in the matter of the probate of such estates; and thereafter to redeliver said copies so produced to the parties from whom they were procured.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 373—An Act to enable executors to sell real property or interests in real property belonging to estates now in probate, without filing a petition as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accounting filed in the Superior Courts were in whole or in part destroyed by the fire on or about April 18, 1906, which burned a portion of the City of San Francisco.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 374—An Act to add a new section to the Code of Civil Procedure, to be numbered 1060, in relation to undertakings.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 375—An Act to enable executors to sell real property or interests in real property belonging to estates now in probate, without filing a petition as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accounting filed in the Superior Courts were in whole or in part destroyed by the fire on or about April 18, 1906, which burned a portion of the City of San Francisco.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Butler: Assembly Bill No. 376—An Act providing for the building of cottages for guards at the State Prison at San Quentin, and appropriating money therefor.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 377—An Act to add a new section to the Political Code, to be known as Section 1195½, relating to constitutional amendments.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 378—An Act to amend Section 1388 of the Civil Code, relating to succession to the estates of illegitimates.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 379—An Act to add a new section to the Penal Code, to be numbered Section 928*a*, and relating to the powers of grand juries.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bush: Assembly Bill No. 380—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a Home telephone system at the Napa State Hospital between the various wards and departments thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 381—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying a pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 382—An Act authorizing and directing the remodeling and furnishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Wyatt: Assembly Bill No. 383—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Cornish: Assembly Bill No. 385—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632*b*, all relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Weske: Assembly Bill No. 386—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Sackett: Assembly Constitutional Amendment No. 8—A resolution to amend section 6 of Article IX of the Constitution of California.

Referred to Committee on Constitutional Amendments.

By Mr. Devlin: Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for a separation of State from local taxation, providing for the taxation of

public service and other corporations for the benefit of the State, and to that end amending Article XIII and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

Referred to Committee on Revenue and Taxation.

By Mr. Drew: Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof by striking therefrom and repealing Section 4 of said article relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured and to taxes due upon such assessment.

Referred to Committee on Constitutional Amendments.

By Mr. Davis: Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding to Article IV thereof a new section to be known as Section 23½, relating to the compensation and expense for officers, attachés, and employés of the Legislature, and limiting the amount thereof.

Referred to Committee on Constitutional Amendments.

By Mr. Held: Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding to Article IV thereof a new section following Section 23 of said article, to be numbered Section 23*a*, and relating to employés of the Senate and Assembly.

Referred to Committee on Constitutional Amendments.

BILLS RE-REFERRED.

By suggestion, the Speaker re-referred the following to committees as indicated:

Assembly Bill No. 238, from Committee on Judiciary to Committee on State Prisons and Reformatory Institutions.

Assembly Bill No. 379, from Committee on County and Township Governments to Committee on Judiciary.

ADJOURNMENT.

At twelve o'clock and twenty minutes P. M., Mr. Stetson moved that the Assembly adjourn until eleven o'clock and thirty minutes A. M. of Monday, January 21, 1907.

The roll was called, and the motion adopted by the following vote:

AYES—Messrs. Baxter, Birdsall, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cutten, Devlin, Drew, Fratessa, Hartmann, Held, John, Johnson of Sacramento, Kelly, Leeds, Lucas, McClellan, McGuire, McKeon, O'Brien, Otis, Snyder, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt and Mr. Speaker—40.

NOES—Messrs. Bishop, Bush, Cornish, Davis, Eshleman, Forbes, Hewitt, Higgins, Lemon, Ludington, Lynch, McMullin, Percival, Pyle, Sackett, and Spaulding—16.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 21, 1907.

At eleven o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—75.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

LEAVES OF ABSENCE.

On motion, the following members were granted leave of absence for the day: Messrs. Pierce, Walsh, Stetson, Smith, and Kohlman.

PRIVILEGES OF THE FLOOR.

On motion, the privileges of the floor were extended to the following: Col. T. V. Eddy and Mr. Corliss.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Mr Transue:

ASSEMBLY CONCURRENT RESOLUTION No. 10.

WHEREAS, In His infinite wisdom God has seen fit to take from our midst our honored, esteemed, and lovable colleague, the Honorable John J. Burke; therefore, be it

Resolved by the Assembly, the Senate concurring, That the Speaker of the Assembly appoint five members of the Assembly, and the President of the Senate appoint five members of the Senate, to act as a joint committee and draft suitable resolutions in memory of our late honorable and esteemed colleague and friend, the Honorable John J. Burke.

Resolution read, and adopted by rising vote.

Also:

ASSEMBLY CONCURRENT RESOLUTION No. 11.

Resolved by the Assembly, the Senate concurring, That a committee of five, consisting of three members of the Assembly and two members of the Senate, be named by the Speaker of the Assembly and the President of the Senate, respectively, and appointed to take charge of all arrangements for the funeral service of the late John J. Burke, and that the expenses be paid out of the Contingent Fund of the Assembly; and the Senate is hereby invited to meet the Assembly in joint session at twelve, noon, this day.

Resolution read.

Unanimously adopted and ordered transmitted to the Senate.

MESSAGE FROM THE SENATE.

The following message from the Senate was received and read:

SENATE CHAMBER, SACRAMENTO, January 21, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the following:

Assembly Concurrent Resolution No. 10—Relative to the death of Hon. John J. Burke.

Also: Assembly Concurrent Resolution No. 11—Relative to the funeral of Hon. John J. Burke.

Also: Has appointed to act on the joint committee to carry out the provisions of Assembly Concurrent Resolution No. 10, Senators J. C. Bates, E. I. Wolfe, Gus Hartman, H. W. Lynch, and H. S. G. McCartney.

Also: To act on the joint committee to carry out the provisions of Assembly Concurrent Resolution No. 11, Senators W. F. Price and H. M. Willis.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Concurrent Resolutions Nos. 10 and 11 ordered to enrollment.

SPECIAL COMMITTEE ON RESOLUTIONS.

The Speaker appointed the following committee to draft resolutions of respect to the memory of the late Hon. John J. Burke: Messrs. Transue, Stetson, Devlin, Cutten, and McGuire.

COMMITTEE ON ARRANGEMENTS.

The Speaker appointed the following committee to have charge of the funeral arrangements on the part of the Assembly, the same to act in conjunction with a committee of two to be appointed by the President of the Senate: Messrs. O'Brien, Transue, and Walsh.

RECESS.

Whereupon the Speaker declared the Assembly at recess.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 21, 1907.

Pursuant to adjournment, the Senate and Assembly met in Joint Assembly on this day, Monday, January 21, 1907, at twelve o'clock M., for the purpose of taking action in regard to the death of Hon. John J. Burke.

Hon. Warren R. Porter, President of the Senate, and Hon. R. L. Beardslee, Speaker of the Assembly, presiding.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Cartwright, Hartman, Keane, Kennedy, Leavitt, Lynch, Mattos, McCartney, McKee, Miller, Muenter, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

The President declared a quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of the Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClelland, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—75.

Quorum present.

EULOGY.

During the roll call, in answer to the name of Hon. John J. Burke, Messrs. Coghlan and Drew of the Assembly and Senator Wolfe of the Senate delivered eulogies of tribute to the memory of Hon. John J. Burke.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, As a further token of respect to our deceased colleague, the Legislature of the State of California will attend the funeral in a body.

Resolution read, and adopted by a unanimous rising vote.

SPECIAL COMMITTEES.

The following committees were appointed by the Assembly and Senate to officially represent these bodies at the funeral of Hon. John J. Burke, deceased:

SENATE COMMITTEE.

Senators Leavitt, Wolfe, Bates, Curtin, Muenter, Rolley, Savage, Keane, Rush, and Nelson.

ASSEMBLY COMMITTEE.

Messrs. Stanton, Drew, Baxter, Estudillo, Eshleman, Beckett, Held, Johnson of San Diego, Strobridge, and Birdsall.

READING OF JOURNAL.

The minutes of the Joint Assembly were read and approved.

ADJOURNMENT OF JOINT ASSEMBLY.

At twelve o'clock and thirty-two minutes P. M., on motion of Senator Leavitt, the Joint Assembly was declared adjourned.

IN ASSEMBLY.

At twelve o'clock and thirty-three minutes P. M., pursuant to adjournment, the Assembly was declared in session.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

RESOLUTION.

By Mr. Transue:

WHEREAS, The Almighty, giver of all law, has in His infinite wisdom seen fit to bereave this Assembly of one of its honored members and to deprive the State of California of a faithful public servant, the Honorable John J. Burke; now, therefore, be it

Resolved, That the Assembly does hereby adjourn until ten o'clock Wednesday, January 23d, out of respect to the memory of our deceased colleague; and be it furthermore

Resolved, That a copy of these resolutions be spread upon our minutes.

Resolution read, and adopted by a unanimous rising vote.

ADJOURNMENT.

The Speaker forthwith declared the Assembly of the State of California adjourned until ten o'clock A. M., Wednesday, January 23, 1907, out of respect to the memory of the late Assemblyman, John J. Burke, of Alameda County.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 23, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

LEAVE OF ABSENCE.

On motion, Mr. Chandler was granted leave of absence for the day.

PRIVILEGES OF THE FLOOR.

On motion, the privileges of the floor were granted to Doctor Fitch.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Beckett, its further reading was dispensed with.

CORRECTION OF THE JOURNALS.

The Journals of Thursday, January 17, Friday, January 18, and Monday, January 21, 1907, were read and corrected, and approved.

SPECIAL ORDER.

Special order of business heretofore set for consideration at this hour, was taken up and read, as follows:

Assembly Concurrent Resolution No. 9—Relative to exclusion of apanese from the public schools.

ASSEMBLY CONCURRENT RESOLUTION No. 9.

WHEREAS, There is now pending in the State and Federal courts an action brought by the United States authorities in which it is sought to obtain a judgment that will force Japanese into our public schools; and

WHEREAS, The people of California believe that the State has the right to regulate the manner in which the common schools of the State are conducted, including the right to say what pupils shall be received therein and what excluded therefrom; and

WHEREAS, The actions now pending are against the school authorities of the City and County of San Francisco and not against the authorities of the State, but inasmuch as in the opinion of the Legislature of California the question presented is one of great importance to California and directly affects the sovereignty of the State and the right of each State in the union to manage its own domestic affairs; wherefore be it

Resolved by the Assembly, the Senate concurring, That the Attorney-General be and he hereby is directed to appear in said actions on behalf of the State and to assist the authorities of the City and County of San Francisco in the defense of the said actions.

SUBSTITUTE.

Mr. Forbes offered the following as a substitute and moved its adoption:

WHEREAS, The Government of the United States has caused proceedings to be commenced in the State and Federal Courts in an endeavor to prevent the Board of Education of the City and County of San Francisco from exercising its rights under the laws of California and municipal regulations, to maintain separate schools for Japanese children in the schools of said city and county;

WHEREAS, The questions at issue between the Government of the United States and the said Board of Education—involved in said proceedings—affect and place in jeopardy, not only the rights, interests, and prerogatives of the State of California as a sovereign State in the Union, but also those of her citizens;

WHEREAS, The State of California denies and disputes the right and authority of the United States, or of any foreign nation, or of any subject of any foreign nation, to interfere in the administration of the public school system of this State;

WHEREAS, The State of California should by all honorable means in her power defend and protect the rights, interests, and prerogatives aforesaid; therefore, be it

Resolved by the Assembly, the Senate concurring, That the Hon. U. S. Webb, Attorney-General of California, in order to maintain, protect, and defend the aforesaid rights, interests, and prerogatives, is hereby authorized, empowered, and instructed, for and in behalf of the State of California, in such way as may be prescribed by law and the rules of courts, to take part in, litigate, or intervene in any and all actions in the Federal or State courts that may now be pending therein, or that may hereafter be commenced therein, by or on behalf of the Government of the United States, or any other government, or of any person against the said Board of Education, or any officer, or any person acting under State or municipal authority; and said Attorney-General is hereby further authorized and empowered to commence and prosecute in courts of competent jurisdiction all necessary actions and proceedings required in the premises to maintain, protect, and defend the aforesaid rights, interests, and prerogatives.

Substitute lost.

The question recurring on the adoption of the original concurrent resolution.

The same was put, and Assembly Concurrent Resolution No. 9 was adopted.

Assembly Concurrent Resolution No. 9 ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 8—Relative to the shortage of coal in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman.

Mr. Coghlan moved its immediate consideration.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION No. 8.

WHEREAS, The great shortage of coal now existing in San Francisco and other parts of California is unprecedented in the history of the State; and

WHEREAS, Such shortage is causing great inconvenience and in many instances actual suffering; and

WHEREAS, The reasons assigned for such shortage are various, but none of such reasons appear satisfactory to the people of the State; therefore be it

Resolved by the Assembly of California, the Senate concurring, That a joint committee of both houses, consisting of two Senators to be named by the presiding officer of the Senate, and three Assemblymen to be named by the Speaker of the Assembly, be appointed to investigate the cause or causes of such shortage of coal, and to report back as soon as possible the said cause or causes of such shortage of coal, together with such recommendations as they may deem proper to remedy existing conditions, and prevent a repetition thereof; and it is further

Resolved, That said joint committee be, and it is hereby empowered to compel the attendance of witnesses before them, and to require and compel the production of all books, papers, documents, and other things by said committee deemed necessary or proper for pursuing such inquiry, and to issue subpœnas requiring the attendance of such witnesses and the production of said books, papers, documents, and other evidence.

Concurrent resolution read.

The roll was called, and Assembly Concurrent Resolution No. 8 adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Smith, Smyth, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, and Wyatt—59.

NOES—Messrs. Baxter, Case, Cornish, Davis, Johnson of Sacramento, Leeds, McConnell, Sackett, Stanton, and Mr. Speaker—10.

Concurrent resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 23, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885," approved March 16, 1889.

Also: Adopted Senate Joint Resolution No. 3—In relation to House Resolution No. 7017, introduced by the Hon. James C. Needham, Congressman from the Sixth Congressional District of the State of California, providing for the transfer of certain National Parks from the Department of Interior to the Department of Agriculture, and for other purposes.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 5 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Joint Resolution No. 3 referred to Committee on State Prisons and Reformatory Institutions.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School,'" approved March 23d, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

Senate Bill No. 6 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot at Sacramento to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Also: Adopted Senate Concurrent Resolution No. 5—Approving two certain amendments of the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 37 read first time, and referred to Committee on Ways and Means.

Senate Concurrent Resolution No. 5 referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Coghlan: Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial juries in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 388—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 389—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hewitt: Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 391—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Johnson of Sacramento: Assembly Bill No. 392—An Act to limit the authority of judges of the Superior Court in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 393—An Act to amend Section 486 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 394—An Act amendatory of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof and making an appropriation of $25,000 to carry out the purposes of said Act.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 395—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 396—An Act to appropriate the sum of $100,000 to pay the unpaid scrip of delegates to the convention framing the Constitution of the State of California.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 397—An Act to appropriate the sum of $600 to pay the unpaid scrip issued to delegates to the convention framing the Constitution of the State of California.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

Also: Assembly Bill No. 399—An Act to amend Section 1577 of the Political Code, as amended in the year 1905, relating to the formation of school districts.

Bill read first time, and referred to Committee on Education.

By Mr. Strobridge: Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 401—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshals.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 402—An Act to add a new section to the Political Code of the State of California, to be known as Section 1641, relating to and defining who are census children.

Bill read first time, and referred to Committee on Education.

By Mr. Campbell: Assembly Bill No. 403—An Act in relation to the attendance of pupils in the high schools of the State of California.

Bill read first time, and referred to Committee on Education.

By Mr. Drew: Assembly Bill No. 404—An Act to amend Title I, of Part IV, of the Civil Code of the State of California, by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Thompson of San Francisco: Assembly Bill No. 405—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by adding a new section thereto, to be known as Section 6*a*, and relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Bill read first time, and referred to Committee on Judiciary.

HOUR OF RECESS EXTENDED.

At twelve o'clock and twenty-seven minutes, on motion of Mr. Johnson of Sacramento, the hour of recess was extended fifteen minutes.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Mr. Thompson of San Francisco: Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury and judgment of the court in forcible entry, or forcible or unlawful detainer cases.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Strohl: Assembly Bill No. 407—An Act to amend an Act entitled "An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of the State," approved March 5, 1903.

Bill read first time, and referred to Committee on Education.

By Mr. Percival: Assembly Bill No. 408—An Act to add a new section to the Political Code to be numbered Section 2656, and relating to the division of general road funds, upon the incorporation of municipalities, or annexations to municipalities.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 409—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes, and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

Bill read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

The following report from standing committee was received:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 2—Relative to House of Representatives Bill No. 1017, introduced by Hon. James C. Needham, providing for the transfer of certain National Parks from the Interior Department to the Agricultural Department—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGHLAN, Chairman.

HOUR OF RECESS RE-EXTENDED.

At twelve o'clock and forty-five minutes, on motion of Mr. Transue, the hour of recess was re-extended fifteen minutes, for the purpose of considering Assembly Joint Resolution No. 2.

ASSEMBLY JOINT RESOLUTION NO. 2.

WHEREAS, There is now pending in the House of Representatives, Bill No. H. R. 7017, introduced by the Hon. James C. Needham, Congressman from the Sixth Congressional District of the State of California, providing for the transfer of certain National Parks from the Department of Interior to the Department of Agriculture, and for other purposes; and

WHEREAS, It is deemed for the best interests of the government of said parks that jurisdiction thereof be transferred from the Department of Interior to the Department of Agriculture, as provided for in said bill; therefore, be it

Resolved, by the Senate of California and the Assembly jointly, That our Senators in Congress are hereby instructed and our members in Congress be requested, to use all honorable means to secure the passage of said bill above mentioned; and be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the Chief Clerk of the Assembly to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California.

Joint resolution read.

The roll was called, and Assembly Joint Resolution No. 2 adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—71.

NOES—None.

Joint resolution ordered transmitted to the Senate.

PETITION.

The following petition was received and ordered printed in the Journal:

To the Senators and Assemblymen of the Commonwealth of California—

HONORABLE GENTLEMEN: We beg your interested attention to the following essential elements of a just and valid statute which are not incorporated in the present statute for regulating the practice of osteopathy in California, and, in the name of justice and in order to render the statute valid and effective and thereby elevate the standard of osteopathic attainment and practice in the State, we respectfully petition you to support a bill for an amendment or for a new law incorporating these elements:

(1) A State-conducted examination in subjects named by the Legislature. (Essential to justice, validity, and uniformity of certification.)

(2) State-appointed Board of Examiners, chosen by the Governor, from qualified practitioners, residents of different congressional districts.

(3) Disqualifying from membership of the Board of Examiners stockholders, professors, and others beneficially interested in any osteopathic college. (A safeguard of fairness, recognized as vital by some states.)

Mrs. I. H. Bone, Ventura; W. H. Ley, Ventura; M. Bowes, Ventura; J. M. Findley, Ventura; Chas. W. Scott, Ventura; Edna G. Chrisman, Ventura; W. J. Adams, P. O., Ventura; Nellie Hudson, Ventura; Mrs. Wilson, Ventura; Dan Trundle, Ventura; Mrs. Dan Trundle, Ventura.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Pierce:

Resolved, That the name of F. H. Crunly, heretofore appointed as Assistant Clerk to Committee at a per diem of $4, be stricken from the rolls and the name of W. J. Colbert be substituted therefor, at the same per diem of $4.

Resolution read, and, on motion, adopted.

By Mr. Strobridge:

Resolved, That the name of John G. Vogt be stricken from the rolls as Assistant Sergeant-at-Arms of Committee, and that D. Dieckhoff be substituted in his stead.

Resolution read and, on motion, adopted.

By Mr. Hammon:

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed and authorized to purchase eighty-five copies of Roberts' Rules of Order for the use of the members of this House.

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wilson, Wyatt, and Mr. Speaker—58.

NOES—Messrs. Bell, Davis, McConnell, Otis, Percival, Sackett, and Weske—7.

INTRODUCTION AND FIRST READING OF BILLS—(RESUMED).

By Mr. Lucas: Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State within which primary elections shall be obligatory and mandatory.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Transue: Assembly Bill No. 411—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Cornish: Assembly Bill No. 413—An Act to reduce the number of judges in the Superior Court of the County of Shasta from two to one.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 414—An Act to aid the County of Modoc in construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Kelly: Assembly Bill No. 415—An Act providing that in any city, or city and county in this State where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper

manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that superior courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Devlin: Assembly Bill No. 416—An Act to provide for the regulation of the business of watchmen, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Spaulding: Assembly Bill No. 418—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly bill No. 419—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Eshleman: Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work, and known as children's home-finding societies.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 421—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Bill read first time, and referred to the Committee on Judiciary.

By Mr. Sackett: Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 423—An Act to amend Section 2653 of the Political Code, relating to property highway tax.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Smith: Assembly Bill No. 424—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform

system of county and township government,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class."

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Wyatt: Assembly Bill No. 425—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

RESOLUTION.

The following resolution was offered:

By Mr. Stanton:

Resolved, That the Sergeant-at-Arms be instructed to confer with the owners of this building with a view of devising some means of ventilating the Assembly Chamber, and that he report to this body as speedily as possible.

Resolution read and, on motion, adopted.

BILL RE-REFERRED.

By request, the Speaker recalled Assembly Bill No. 145, from Committee on Counties and County Boundaries and re-referred same to Committee on Commerce and Navigation.

SECOND-READING FILE.

Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Bill read second time.

The following committee amendment was submitted:

Amend by striking out the word "of" in line 29, of Section 1, printed bill, where it occurs the second time, and inserting in lieu thereof the word "or."

Amendment read and, on motion, adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

Bill read second time.

The following committee amendments were submitted:

Amend by inserting after the word "printing," in line 5, of Section 1 of the printed bill, the words "and a copy editor."

Amendment read and, on motion, adopted.

Amend by inserting after the word "dollars," in line 8, of Section 1, of the printed bill, the words and figures "the annual salary of the copy editor shall be $1800 (eighteen hundred dollars)."

Amendment read and, on motion, adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section

327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings.

Bill read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the word "The," where it first occurs in line 1 of Section 1 of the printed bill, and inserting in lieu thereof the word "A."

Amendment read and, on motion, adopted.

AMENDMENT No. 2.

Amend by inserting at the beginning of line 4 of Section 1 of the printed bill, the word and figures "Section 327."

Amendment read and, on motion, adopted.

AMENDMENT No. 3.

Amend by inserting after the word "cause," in line 7, of Section 1 of the printed bill, the words "to be printed or published or circulated."

Amendment read and, on motion, adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 18—An Act to amend Section 686 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action.

Bill read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out of Section 1, line 1, of printed bill the figures "686" and inserting in lieu thereof the following: "1049."

Amendment read and, on motion, adopted.

AMENDMENT No. 2.

Amend by striking out of the title of printed bill the figures "686" and inserting in lieu thereof the following: "1049."

Amendment read and, on motion, adopted.

AMENDMENT No. 3.

Amend by striking out of Section 1, of printed bill, the figures and words commencing with the figures "686" in line 3 of the printed bill down to and including the word "state," in line 25 of the printed bill, and inserting in lieu thereof the following: 1049. After his plea, the defendant in all felony cases shall be entitled to thirty days to prepare for trial, and in all other cases the defendant shall be entitled to two days to prepare for trial; *provided*, that in all cases the defendant may consent to a trial at an earlier time than herein provided.

Amendment read and, on motion, adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

Bill read second time.

The following amendment was submitted:

Amend by striking out the words "or upon any of the proceedings prior to the trial," found in lines 7 and 8 of Section 1 of the printed bill.

Amendment read and, on motion, adopted.

Bill ordered to print and engrossment.

ADJOURNMENT.

At one o'clock and ten minutes P. M., there being no further business to come before the Assembly, the Speaker declared the Assembly adjourned until Thursday, January 24, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 24, 1907.

At nine o'clock and thirty minutes A. M., the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Beckett, its further reading was dispensed with.

RECESS.

At twelve o'clock and twenty-seven minutes, on motion of Mr. Johnson of Sacramento, a recess was declared until two o'clock and thirty minutes P. M.

REASSEMBLED.

The Assembly reconvened at two o'clock and thirty minutes P. M. Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years—and recommend that the same be referred to the Committee on Ways and Means.

Also: Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in Justices' Courts—with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons—and recommend that it do pass.

Also: Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 11—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges—with four amendments, and recommend its passage as amended.

Also: Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court—and recommend its passage.

JOHNSON of Sacramento, Chairman.

Assembly Bill No. 344 referred to the Committee on Ways and Means. The other above reported bills ordered on file for second reading.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 139—An Act to prevent fishing by means of weirs, dams, nets, traps, or seines in the Bay of San Diego, or in the entrance thereto—have had the same under consideration, and respectfully report the same back and recommend that same do pass.

CORNISH, Chairman.

Bill ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 5—Approving the charter of the City of Santa Monica, Los Angeles County, State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

JURY, Chairman.

Mr. Leeds moved that the Assembly now proceed to consider Assembly Concurrent Resolution No. 5.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION NO. 5.

Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 28th day of March, 1906.

WHEREAS, The City of Santa Monica, in Los Angeles County, California, is now, and at all the time herein referred to, was a city containing a population of more than three thousand five hundred, but less than ten thousand; and

WHEREAS, At an election held in said city on October 17, 1905, in accordance with law and the provisions of section eight of article eleven of the Constitution of this State, a board of fifteen freeholders, duly qualified, was duly elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which said board of fifteen freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, which said charter was, on the eleventh day of January, 1906, signed in duplicate by a majority of the members of said board of fifteen freeholders, and was duly returned, one copy thereof to the president of the board of trustees of said city, and the other copy thereof to the county recorder of the County of Los Angeles (within which county said city is situated); and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city, to-wit: in "The Daily Outlook," for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; and

WHEREAS, Said charter was, within not less than thirty days after the publication of said charter, as required by section eight, to-wit: on the twenty-eighth day of March, 1906, was submitted by the legislative authority of said city, to-wit: by the board of city trustees thereof, to the qualified electors of said city, at a special election, held in said city on the twenty-eighth day of March, 1906; and

WHEREAS, The returns of said election were duly canvassed by said board of city trustees of said City of Santa Monica on the second day of April, 1906, and the result thereof declared as above set forth; and

WHEREAS, Said charter is now submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provision of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter is in the words and figures following, to-wit:

ARTICLE I.

INCORPORATION AND POWERS.

SECTION 1. The municipal corporation now existing and known as "The City of Santa Monica", shall continue to be a municipal corporation under the name and style of "City of Santa Monica," and with the same boundaries it now has, to-wit:

Commencing at a point in the ordinary tide line of the Pacific Ocean, distant thirty and sixty hundredths feet (30. 60-100) southeasterly of the southerly line of Marine street as shown on the map of the Crescent Bay Tract, as recorded in Book 2, pages 13-14 of Maps, Los Angeles County Records.

Thence extending north 56 degrees east to the southwest corner of Block C of the Santa Monica Tract, as per map recorded in Book 53, page 29, Miscellaneous Records, Los Angeles County.

Thence extending northeasterly along the southerly line of the Santa Monica Tract to the southeast corner of Block B of said Santa Monica Tract.

Thence extending northeasterly along the southerly line of the Lucas Tract, to the southeast corner of Block 47 of said Lucas Tract as per map recorded in Book 6, page 221, Miscellaneous Records, Los Angeles County.

Thence extending north 57 degrees 30 minutes east to the northwest corner of the Mesa La Ballona Tract as per map recorded in Book 5, page 184 of Maps, Los Angeles County Records.

Thence north 57 degrees 45 minutes east along the northerly line of said Mesa La Ballona Tract, and its prolongation thereof, to the westerly line of Ballona Road No. 2.

Thence north 33 degrees and 30 minutes west along the westerly line of said Ballona Road No. 2 to a point in the dividing line between the Ranches San Vicente y Santa Monica, and La Ballona.

Thence north 64 degrees and 56 minutes west along the southerly line of the Twenty-seventh (27th) Street extension to the southeasterly corner of the S. P. R. R. Co.'s yards (55-acre tract).

Thence south 75 degrees and 52 minutes west along the southerly line of S. P. R. R. Co.'s yards (55-acre tract) four thousand (4000) feet to the southwest corner of said S. P. R. R. Co.'s yards (55-acre tract).

Thence northwesterly along the westerly line of the aforesaid S. P. R. R. Co.'s yards (55-acre tract).

Thence north 14 degrees and 28 minutes west to a point in the southerly line of Colorado Avenue (formerly known as Railroad Ave.) as per map of the Villa Farms, recorded in Book 3, pages 118-119, Miscellaneous Records, Los Angeles County.

Thence northeasterly along the southerly line of Colorado Avenue, to a point in the westerly line of Cambridge Street as per map of the Artesian Tract recorded in Book 4, page 90 of Maps, Los Angeles County Records.

Thence northwesterly along the westerly line of Cambridge Street to the southerly line of Nevada Avenue.

Thence north 44 degrees and three minutes west two thousand eight hundred and forty (2840) feet to the northerly line of Montana Avenue if prolongated northeasterly.

Thence extending southwesterly along the northerly line of Montana Avenue and the northerly line of said avenue projected southwesterly to a point in the westerly boundary line of Los Angeles County (in the Pacific Ocean).

Thence southeasterly along the aforesaid boundary line to a point where a straight line bearing south 56 degrees west would intersect the said boundary line of Los Angeles County.

Thence north 56 degrees east to the place of beginning.

And such additional territory as may from time to time be annexed.

WARDS.

SEC. 2. The City shall be divided into seven wards as follows:

First Ward.

Commencing at the intersection of the center lines of Sherman Avenue, East Santa Monica, with the southeasterly Corporate Limits of the City of Santa Monica.

Thence extending northwesterly along the center line of Sherman Avenue to the center line of Central Avenue.

Thence southwesterly along the center line of Central Avenue, to the center line of South Fourth (4th) Street.

Thence southeasterly along the center line of South Fourth Street (4th) to the center line of East Hill Street.

Thence southwesterly along the center line of East Hill Street to the easterly line of the Trolleyway, so called.

Thence southwesterly to the point of intersection of the center line of the alley in block two (2), Crescent Bay Tract (between Hill and Surf streets) with the westerly line of the Trolleyway.

Thence southwesterly along the center line of the alley in said block two (2), Crescent Bay Tract, to the center line of the Speedway.

Thence southeasterly along the center line of the Speedway to the center line of West Hill Street.

Thence southwesterly along the center line of West Hill Street, and its prolongations thereof, to the southwesterly line of the city limits.

Thence southeasterly along the westerly line of the city limits to the southeasterly corporate limits.

Thence northeasterly along the southerly line of the city limits to the place of beginning.

Second Ward.

Commencing at the intersection of the center lines of Central and Sherman avenues.

Thence extending northwesterly along the center line of Sherman Avenue to the center line of Pearl Street.

Thence southwesterly along the center line of Pearl Street to the center line of South Eighth (8th) Street.

Thence northwesterly along the center line of South Eighth (8th) Street, to the center line of Garfield Avenue.

Thence southwesterly along the center line of Garfield Avenue to the easterly line of Block "G" of the Ocean Spray Tract.

Thence northwesterly along the easterly line of said Block "G" Ocean Spray Tract, to the northeast corner of lot Twenty (20) of said Block "G" Ocean Spray Tract.

Thence southwesterly along the northerly line of said lot twenty (20) Block "G" Ocean Spray Tract, and its prolongation thereof to the center line of South Sixth (6th) Street.

Thence southeasterly along the center line of South Sixth (6th) Street, to the center line of Strand Street.

Thence southwesterly along the center line of Strand Street to the center line of South Fourth (4th) Street.

Thence southeasterly along the center line of South Fourth (4th) Street to the intersection of the dividing lines between lots 5 and 6 of Vawter's Subdivision of Blocks 6-13, Lucas Tract projected northeasterly.

Thence southwesterly along the center lines of said lots 5 and 6, Vawter's Subdivision of Blocks 6-13, Lucas Tract, to the center line of South Third (3rd) Street.

Thence southeasterly along the center line of South Third (3rd) Street to the center line of Mills Street.

Thence southwesterly along the center line of Mills Street to the center line of Lake Street.

Thence southwesterly along the dividing lines between lots 18 and 19, and lots 45 and 46, Santa Monica Commercial Co.'s Tract.

Thence continuing southwesterly along the dividing lines between lots 19 and 20 and their prolongation thereof, of Block R of the said Santa Monica Commercial Co.'s Tract, to the easterly line of the Trolleyway.

Thence northwesterly along the easterly line of the Trolleyway to the intersection of the center line of Hart Avenue if prolongated northeasterly.

Thence southwesterly along the center line of Hart Avenue and its prolongation thereof to the southwesterly line of the city limits.

Thence southeasterly along the southwesterly line of the city limits to its intersection with the center line of West Hill Street if prolongated southwesterly.

Thence northeasterly along the center line of West Hill Street, and its prolongation thereof, to the center line of the Speedway.

Thence northwesterly along the center line of the Speedway to the center line of the alley in Block Two (2) Crescent Bay Tract (between Hill and Surf streets).

Thence northeasterly along the center line of said alley to the westerly line of the Trolleyway.

Thence northeasterly to the point of intersection of the center line of East Hill Street, with the easterly line of the Trolleyway.

Thence northeasterly along the center line of East Hill Street, to the center line of South Fourth (4th) Street.

Thence northwesterly along the center line of South Fourth (4th) Street, to the center line of Central Avenue.

Thence northeasterly along the center line of Central Avenue to the place of beginning.

The southeasterly line of Ward Two (2) is identical with the northwesterly line of Ward One (1).

Third Ward.

Commencing at the intersection of the center lines of Pearl Street and Sherman Avenue.

Thence northwesterly along the center line of Sherman Avenue to the center line of Front Street.

Thence southwesterly along the center line of Front Street, and its prolongation thereof, to the southwesterly line of the city limits.

Thence southeasterly along the southwesterly line of the city limits to its intersection with the center line of Hart Avenue if prolongated southwesterly.

Thence northeasterly along the center line of Hart Avenue and its prolongation thereof to the easterly line of the Trolleyway.

Thence southeasterly along the easterly line of the Trolleyway to the intersection of the dividing lines of lots 19 and 20, Block R and lots 45 and 46, and 18 and 19, Block P, Santa Monica Commercial Co.'s Tract and its prolongation thereof.

Thence northeasterly along the said dividing lines of said lots 19 and 20, Block R, and lots 45 and 46 and 18 and 19, Block P, Santa Monica Commercial Co.'s Tract to the intersection of the center line of Lake Street and Mills Street.

Thence northeasterly along the center line of Mills Street to the center line of South Third Street.

Thence northwesterly along the center line of South Third (3rd) Street to its intersection with the dividing lines between lots 5 and 6, Vawter's Subdivision of Blocks 6-13, Lucas Tract.

Thence northeasterly along said dividing line between lots 5 and 6, Vawter's Subdivision of Blocks 6-13, Lucas Tract, to the center line of South Fourth (4th) Street.

Thence northwesterly along the center line of South Fourth (4th) Street, to the center line of Strand Street.

Thence northeasterly along the center line of Strand Street, to the center line of South Sixth (6th) Street.

Thence northwesterly along the center line of South Sixth (6th) Street, to the northerly line of lot Twenty (20) Block "G" Ocean Spray Tract, if prolongated westerly.

Thence northeasterly along the northerly line of said lot Twenty (20) Block "G" Ocean Spray Tract, to the easterly line of Block "G" of said Ocean Spray Tract.

Thence southeasterly along the easterly line of said Block "G" to the center line of Garfield Avenue.

Thence northeasterly along the center line of Garfield Avenue, to the center line of South Eighth (8th) Street.

Thence southeasterly along the center line of South Eighth (8th) Street to the center line of Pearl Street.

Thence northeasterly along the center line of Pearl Street to the place of beginning.

The southeasterly line of Ward Three (3) is identical with the northwesterly line of Ward Two (2).

Fourth Ward.

Commencing at the center line of Seventeenth (17th) Street, if prolongated southeasterly, with the center line of Front Street.

Thence northwesterly along the center line of Seventeenth Street, and its prolongation thereot, to the center line of Utah Avenue.

Thence southwesterly along the center line of Utah Avenue and its prolongation thereof to the southwesterly line of the city limits.

Thence southeasterly along the southwesterly line of the city limits, to the intersection of the center line of Front Street if prolongated westerly.

Thence northeasterly along the center line of Front Street, and its prolongation thereof to the place of beginning.

The southeasterly line of Ward Four (4) is identical with the northwesterly line of Ward Three (3).

Fifth Ward.

Commencing at the center line of Seventeenth (17th) Street and Utah Avenue.

Thence extending northwesterly along the center line of Seventeenth (17th) Street to the center line of Arizona Avenue.

Thence southwesterly along the center line of Arizona Avenue and its prolongation thereof to the southwesterly line of the city limits.

Thence southeasterly along the said southwesterly line of the city limits to the center line of Utah Avenue if prolongated westerly.

Thence northeasterly along the center line of Utah Avenue and its prolongation thereof, to the place of beginning.

The southeasterly line of Ward Five (5) is identical with the northwesterly line of Ward Four (4).

Sixth Ward.

Commencing at the intersection of the center line of Arizona Avenue and Seventeenth (17th) Street.

Thence extending northwesterly along the center line of Seventeenth (17th) Street to the northwesterly city limits.

Thence southwesterly along the northwesterly line of the city limits to the southwesterly city limits.

Thence southeasterly along the southwesterly line of the city limits to the center line of Arizona Avenue if prolongated southwesterly.

Thence northeasterly along the center line of Arizona Avenue and its prolongation thereof, to the place of beginning.

The southwesterly line of Ward Six (6) is identical with the northwesterly line of Ward Five (5).

Seventh Ward.

Commencing at the point of intersection of the center line of Sherman Avenue with the southeasterly city limits.

Thence extending northwesterly along the center line of Sherman Avenue, to the center line of Front Street.

Thence southwesterly along the center line of Front Street to the center line of Seventeenth (17th) Street if prolongated southeasterly.

Thence northwesterly along the center line of Seventeenth (17th) Street, and its prolongation thereof, to the northwesterly city limits.

Thence northeasterly along the northerly line of the city limits, to the northeasterly line of the city limits.

Thence southerly along the northeasterly and southeasterly boundary lines to the place of beginning.

Being all of that territory within the corporate limits of Santa Monica lying northeasterly of the center line of Seventeenth (17th) Street, and its prolongation thereof, and Sherman Avenue, between the northwesterly and southeasterly city limits.

The southwesterly line of Ward Seven (7) is identical with the northeasterly lines of Wards One to Six (1 to 6).

SEC. 3. The council may alter the lines of any ward by ordinance adopted by a vote of at least five of its members and approved by the mayor at any time within ninety days after a general municipal election but at no other time.

ARTICLE II.

SECTION 1. The said corporation shall have the power:

(1) To make and use a corporate seal and alter the same at pleasure.

(2) To sue and be sued in all actions and proceedings whatever.

(3) To have perpetual succession.

(4) To erect and maintain public buildings, and to lay out, establish, improve and maintain public parks and cemeteries.

(5) To provide for the care of the sick and helpless.

(6) To make regulations to prevent the spread of epidemics and contagious diseases.

(7) To provide for supplying the city and its inhabitants with water, gas and electricity, or other means of heat and illumination and power.

(8) To lay out, open, extend, widen, improve or vacate, pave and repave streets and alleys, sidewalks and crossings, and other highways. It shall have power to declare any street or highway within said city a boulevard and may restrict the traffic thereon.

(9) To construct and maintain sewers, drains and other works necessary for the disposition of sewage.

(10) To establish and maintain public schools and public libraries.

(11) To levy assessments upon property to pay for the improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes; *provided* that the tax levied for any one year, for all municipal purposes, other than for parks, library, schools and payment of interest on the municipal debt and redemption of bonds, shall not exceed $1 on each $100 worth of taxable property.

(12) To manage, control, sell, lease or otherwise dispose of any or all of the property of the said corporation; and to appropriate the income or proceeds thereof to the use of the said corporation; *provided* that it shall have no power to mortgage or hypothecate its property for any purpose.

(13) To license and regulate the carrying on of any and all professions, trades, callings, and occupations carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in such professions, trades, callings or occupations, provide the manner of enforcing the payment of the same; *provided* that no discrimination shall be made between persons engaged in the same business otherwise than by proportioning the tax upon any

business to the amount of business done; and to license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughter-houses, butcher-shops, hawkers, peddlers, pawn-brokers, dance halls, melodeons, shows, circuses, public billiard tables, bowling and ten pin alleys, the sale or giving away of malt, vinous, fermented, or other alcoholic or intoxicating liquors as a business, except for medicinal purposes by licensed druggists on the prescription of a regularly licensed physician; *provided* that nothing herein shall prevent the submission of the question whether the sale or giving away of such liquors may be licensed or prohibited to the voters at any election under the provisions herein concerning the initiative and referendum, and to suppress and prohibit all faro banks, games of chance, gambling houses, tables on stands, bawdy-houses, the keeping of bees within the city limits, and any and all obnoxious, offensive, immoral, indecent or disreputable places of business or practice.

(14) To create offices, and provide for the election or appointment of officers other than those established by this charter, or by the general law, whenever the public convenience may require the same, and prescribe their duties and fix their compensation. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.)

(15) To acquire, by purchase, condemnation, or other lawful means, property, both real and personal, including water and water rights, electric plants and gas plants, wharves, railroads, bridges and other public utilities within or without the corporate limits, necessary or convenient for municipal purposes, or for exercise of the powers granted to said corporation.

(16) To fix the salaries of municipal officers, except those officers whose salaries are fixed by this charter.

(17) To provide and maintain a proper and efficient fire department, and make and adopt such measures, rules and regulations for the prevention and extinguishing of fires, and for the preservation of property endangered thereby, as may be deemed expedient.

(18) To protect the property of its inhabitants against inundations.

(19) To provide against the existence of filth, garbage and other injurious and inconvenient matter within the city, and for the disposition of the same.

(20) To make violations of its ordinances a misdemeanor in all proper cases, and to prescribe the punishment therefor, by fine or imprisonment, or by both; but such fine not to exceed $500, and such imprisonment not to exceed six months.

(21) To prescribe the places at which elections shall be held and appoint the officers of election.

(22) To make and enforce within its limits such local, police, sanitary and other regulations as are not in conflict with general laws and are deemed expedient to maintain the public peace, protect property, promote the public morals and to preserve the health of its inhabitants.

(23) To exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not, except such powers as are forbidden or are controlled by general law.

(24) The powers conferred by this article shall be exercised by ordinance, except as hereinafter provided.

ARTICLE III.

OFFICERS OF THE MUNICIPALITY.

SECTION 1. The officers of the municipality shall be:

A mayor.
One councilman from each ward
A city clerk, who shall be ex-officio clerk of the police court and ex-officio clerk to the superintendent of streets.
A city treasurer, who shall be ex-officio tax collector.
A city assessor.
A city engineer.
A city attorney.
A street superintendent.
A superintendent of building.
Five members of the board of education.
Five trustees of Santa Monica Public Library.
Three police commissioners.
Three fire commissioners.
Three park commissioners.
Three members of the board of health.
A city school superintendent.
A chief of police.
A chief of the fire department.
An assistant chief of the fire department.
A health officer.

SEC. 2. The following officers shall be elected by the electors of the City of Santa Monica at large, to-wit:

The mayor.
The city clerk.
The city treasurer.
The city assessor.
Five members of the board of education.
And by the electors of each ward respectively, one member of the council.

SEC. 3. The following officers shall be appointed by the mayor and confirmed by the council:

A city engineer.
A city attorney.
A superintendent of building.
A street superintendent.
Five trustees of Santa Monica Public Library.
Three police commissioners.
Three fire commissioners.
Three park commissioners.
Three members of the board of health.

SEC. 4. All elective officers, except those elected at the first general municipal election held after the taking effect of this charter, shall hold their offices for the term of two years, commencing on the first Monday in January next succeeding their election.

SEC. 5. The city school superintendent shall be appointed by the board of education. The chief of police shall be appointed by the board of police commissioners. The chief and assistant of the fire department shall be appointed by the board of fire commissioners. The health officer shall be appointed by the board of health.

SEC. 6. All appointed officers shall hold office until removed by the appointing power, which shall have the power of removing in all cases; *provided*, that where confirmation is required the assent of the confirming body shall be requisite for removal. The council shall have power to suspend any officer of the city, pending trial, against whom criminal proceedings based on misdemeanor in office or civil action for recovery of money due the city has been commenced, and to appoint a substitute for such officer during suspension. In all voting upon the appointment, confirmation, suspension and removal of officers the members of the council, or other body appointing, confirming, suspending or removing, shall vote by open ballot or call of roll, and the ballot or vote of each member shall be spread upon the minutes.

SEC. 7. No elective officer shall during the term for which he has been elected be eligible to any office under this charter other than that to which he has been elected.

SEC. 8. Officers of the municipality must not be interested in any contract made by them in their official capacity, nor by any body or board of which they are members.

ARTICLE IV.

POWERS AND DUTIES OF THE COUNCIL.

SECTION 1. All legislative power of the city is vested in the council, subject to the power of veto and approved by the mayor, as hereinafter given, and shall be exercised by ordinance; other action of the council may be by order upon motion.

SEC. 2. The said council, consisting of one councilman from each ward, elected as herein provided, is the governing body of the city, and shall meet at least once a week, and shall by ordinance provide for the manner, time and place of holding all regular and special meetings.

SEC. 3. The council shall meet in the city hall of the city. The records of its proceedings shall be open for inspection during usual office hours.

SEC. 4. The enacting clause of all ordinances shall be substantially as follows: "The Mayor and Council of the City of Santa Monica do ordain as follows:"

SEC. 5. Four members of the council shall constitute a quorum for the transaction of business, but no ordinance shall be passed or other act done granting a franchise, making any contract, auditing any bill, ordering any work to be done, or supplies to be furnished, disposing of or leasing the city property, ordering any assessment for street improvement, or building sewers, or any other act to be done involving the paying of money, or the incurring of debt by the city, unless five of the members of the council vote in favor thereof. All other ordinances may be passed by a vote of a majority of the whole council.

SEC. 6. All bonds of officers must be approved by the council, as also the bonds of any contractors with the city. The city clerk shall indorse upon such bonds the date of their approval, which indorsement shall be signed by the presiding officer of the council and the city clerk.

SEC. 7. The city clerk shall be present at the meeting of the council during its sessions.

SEC. 8. The meetings of the council shall be public and a journal of the proceedings be kept by the clerk under its direction and the ayes and noes shall be taken and entered in the journal in the final action upon the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished,

disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any other act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the salaries of the municipal officers; and in all other cases upon the call of any member.

SEC. 9. The council shall be the judge of the election and qualification of its members. It shall elect one of its members as its presiding officer, who shall be styled president of the council, and who shall, in case of illness of the mayor or in his absence from the city, act as the mayor of the city. The council shall have power to prescribe the rules of its proceedings, and to preserve order at its meetings, and may punish contemptuous or disorderly conduct committed in its presence by fine not exceeding fifty dollars, and imprisonment not exceeding ten days, or by both such fine and imprisonment.

SEC. 10. It shall prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and it may by ordinance prescribe for any officer duties other than those herein prescribed and not inconsistent with the provisions of this charter, and may fix the hours during which the public office of any city officer shall be kept open, if not otherwise herein provided.

SEC. 11. It shall provide suitable rooms for the police court and officers, and the furniture, fuel, lights and stationery necessary for the transaction of the business of the city.

SEC. 12. It shall by ordinance regulate the entrance to and exits from theatres, lecture rooms, churches, public halls, and public buildings of every kind, and prohibit the placing of chairs, benches, or other obstructions in the hall aisles or open places therein.

SEC. 13. It may, by ordinance, declare what constitutes a nuisance, and provide for the abatement and removal thereof.

SEC. 14. It shall make proper provision for the care, custody and feeding of all persons imprisoned by municipal authority, and may, by ordinance require all persons held under sentence to perform any public work.

SEC. 15. It shall, by ordinance, regulate the keeping of gunpowder, acids, or other explosives, combustible or inflammable material within the limits of the city, or any specified part thereof.

SEC. 16. It shall provide for the survey of streets and blocks of land within the limits of the city, and may, by ordinance, declare such surveys official, and may compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official, or otherwise dedicated.

SEC. 17. It shall by ordinance, establish fire districts, and determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within such limits.

SEC. 18. The council shall have power, by ordinance, to regulate and provide for lighting of streets, laying down gas pipes and erection of lamp posts, electric towers and other apparatus, and to regulate the sale and use of gas and electric light, and regulate the inspection thereof, and to regulate telephone service, and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service, and connections; and to prohibit or regulate the erection of poles for telegraph, telephone or electric wire in the public grounds, streets or alleys, and the placing of wire thereon; and to require the removal from the public grounds, streets or alleys of any or all such poles, and the removal and placing underground of any or all telegraph, telephone or electric wires.

SEC. 19. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the street, or sidewalks, and for regulating or suppressing public criers, advertising, ringing of bells, and other noises.

SEC. 20. It may, by ordinance, provide for maintaining a fire alarm and police telegraph system, and for the cleaning and sprinkling of graded and accepted streets.

SEC. 21. It shall, by ordinance, regulate the speed of railroad trains, engines, electric cars and all other vehicles in the city, and require railroad companies either to station flagmen, place gates or viaducts at all such streets as it may deem proper.

SEC. 22. It shall, by ordinance, regulate and may prohibit the making up of railroad trains on any of its streets, and the stopping of any train on any street crossing.

SEC. 23. It shall, by ordinance, provide for the removal of all rubbish, garbage, refuse matter, and all other material detrimental to the public health, and shall prescribe the manner and time of such removal.

SEC. 24. To declare by ordinance weeds and rubbish on lands or lots or the sidewalk space in front thereof, to be a nuisance, and to provide for the abating of the same, and to levy an assessment on said lands or lots to pay the cost of such abatement.

SEC. 25. The council shall by ordinance provide for a system of assessment, levy and collection of municipal taxes not inconsistent with this charter, which system shall conform as nearly as the circumstances of the case may permit to the provisions of the laws of this State in reference to the assessment, levy and collection

of State and county taxes, except as to the officers by whom such duties are to be performed.

SEC. 26. The council shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock in the forenoon of said day, and shall sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified, but not later than the fourth Monday of the same month. They shall have power to hear complaints, and to correct, modify, or strike out any assessment made by the assessor, and may, of their own motion raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which such tax is to be levied in said year. Each member of the council shall receive $6.00 per day during the time the council is sitting as a board of equalization.

SEC. 27. Every ordinance which shall have been passed by the council shall, before it becomes effective, be signed by the city clerk or other person authorized by the council to sign the same on its behalf, and he shall present it to the mayor for approval, taking a receipt therefor setting forth the date of its presentation.

If the mayor approves it he shall sign it; but if not, he shall indorse thereon the date of presentation to him and shall return it to the city clerk with his objections in writing. The city clerk shall indorse thereon the date of its return to him, and shall at the first meeting of the council thereafter present the same, with the objections of the mayor, to that body. Thereupon the council shall proceed to reconsider the passage of the ordinance. Upon such reconsideration, in all cases where the votes of five of the whole council are required to pass the ordinance in the first instance, it shall require the votes of six of the whole council to pass the ordinance over the mayor's veto. In all other cases it shall require the votes of five of the whole council to pass the ordinance over the veto. The vote, in all cases of reconsideration, shall be by ayes and noes, and the names of the members voting for or against shall be entered upon the journal.

SEC. 28. If any ordinance shall not be returned to the city clerk by the mayor, with his objections in writing, within ten days after it shall have been presented to him, it shall become effective and be as valid as if the mayor had approved and signed it.

SEC. 29. All ordinances finally adopted under the provisions of this charter shall be published in the English language by at least one insertion in some daily newspaper printed and published in the City of Santa Monica, and until and without such publication no ordinance shall be valid or take effect.

SEC. 30. The council shall also have full power to pass ordinances upon any other subject of municipal control or to carry into effect any other powers of the municipality.

ARTICLE V.

POWERS AND DUTIES OF OFFICERS.

Mayor.

SECTION 1. The mayor is the executive officer of the corporation, and must exercise a careful supervision over all its affairs.

It shall be the duty of the mayor, annually, at the first meeting of the council under this charter, and on the first meeting in January of each year thereafter, to communicate by message to the council a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper; and to make such special communication to the council from time to time as he shall deem expedient.

It shall be his further duty to be vigilant and active in the enforcement of the ordinances of the city; to exercise a constant supervision over the acts and conduct of all its officers and employés; to receive and examine into all complaints made against them for violation or neglect of duty, and to certify the same to the council, or proper board.

And he shall perform such other duties and have such other powers as are elsewhere in this charter, or by ordinance, imposed upon or granted to him.

City Clerk.

SEC. 2. The city clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody.

He shall be present at each meeting of the council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all books properly indexed, and open to public inspection when not in actual use.

He shall make out, and sign all licenses other than building permits, and perform such other duties as are, or shall be, imposed by this charter, or by ordinance.

He shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipts of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and after countersigning both receipts he shall file one with the city records and shall return the other to the person making said payment.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall deliver to the proper officer all licenses.

He shall report to the council at the regular meeting of each week the condition of each fund in the city treasury and the amount drawn from each fund the preceding week.

He shall make and present a report to the council at its meeting in the second week in December of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of November.

He shall audit and approve all demands against the city before payment, and keep a record of the same as hereinafter provided in Article XIII.

He shall on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from sources other than taxation; (2), the itemized expenditures; (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall act as ex-officio clerk of the police court, ex-officio clerk of the board of equalization, and ex-officio clerk to the superintendent of streets.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

City Treasurer.

SEC. 3. It shall be the duty of the city treasurer to receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city clerk provided for in Section 2 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury.

Both of which receipts shall be forthwith deposited with the city clerk.

He shall make a report at the close of each month, to the city clerk, showing all moneys received during the preceding month, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied, and he shall make such special reports from time to time as may be required by the council.

The mayor, city attorney, city clerk, the finance committee of the council, or any special committee appointed by the council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the mayor, clerk, attorney, or finance committee shall also have the right to inspect and count all public moneys. It shall be in the power of the council by ordinance, at any time to require the city treasurer to devote his entire time to the duties of his office.

SEC. 4. It shall be the duty of the city treasurer in addition to the duties which may be elsewhere prescribed for him in this charter or by ordinance, to collect all taxes and licenses of the city, excepting those hereinafter provided to be collected by the city assessor.

He shall keep proper books, showing all moneys collected by him as tax and license collector.

He shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all suitable times subject to public inspection.

Assessor.

SEC. 5. It shall be the duty of the assessor, between the first Monday of March and the first day of August in each year, to make out a true list of all the taxable property within the city. The mode of making out said list, and proceed-

ings relating thereto, shall be in conformity with laws in force regulating county assessors, except as the same may be otherwise provided in this charter, or by ordinance. Said list shall describe the property assessed and the value thereof, and shall contain all other matters required to be stated in such lists by county assessors. Said assessor shall verify said list by his oath, and shall deposit the same with the city clerk, on or before the first Monday in August in each year. Said assessor and his deputy shall have the power to administer all oaths and affirmations necessary in the performance of his duties.

Board of Education.
Board of Trustees of the Santa Monica Public Library.
Board of Health.
Board of Police Commissioners.
Board of Fire Commissioners.
Board of Park Commissioners.

SEC. 6. The powers and duties of the boards enumerated in the heading of this section shall be those herein elsewhere set forth, and granted or imposed by ordinance.

City Engineer.

SEC. 7. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall:

(1) Make all surveys, inspections and estimates required by the council.

(2) He shall examine all public works done under contract, and report thereon to the city council.

(3) He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof; all of which he shall keep in good order and condition, with full index thereof, and shall turn over the same to his successor.

(4) All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him for the city or under his direction or control during his term of office, shall be the property of the city.

The City Attorney.

SEC. 8. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the city attorney therein.

He shall give his advice or opinion in writing, whenever required by the mayor or council, and shall do and perform all such things touching his office as by the council may be required of him.

He shall approve, by indorsement in writing, the form of all official or other bonds required by this charter, or by ordinance of the council, before the same are submitted to the council or mayor for final approval, and no such bonds shall be approved by the mayor or council without such approval by the city attorney.

He shall approve in writing the drafts of all contracts before the same are entered into on behalf of the city. He shall give his advice or opinion in writing whenever required by the board of education, board of library trustees or any commission or officer of said city.

Street Superintendent.

SEC. 9. The street superintendent shall have the general care of, and frequently inspect the streets of the city. He shall receive and investigate all complaints as to their condition and shall have charge of the enforcement of all ordinances pertaining to street obstructions.

He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction, inspect and approve or reject all material used in such construction, whether done by contract or otherwise; and shall at once report to the council all deviations from contracts and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon.

He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

Superintendent of Building.

SEC. 10. The superintendent of building shall have such powers and perform such duties as are herein or may by ordinance be imposed upon him.

Chief of Police.

SEC. 11. The chief of police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the Board of police commissioners, and all orders of the board relating to the direction of the police force shall be given through the chief of police, or in his absence, the officer in charge of the police force.

SEC. 12. The chief of police shall be the principal police officer of the corporation, and may, with the approval of the board of police commissioners, select and appoint one or more deputies from the police force, for whose official acts he shall be responsible.

He shall, by himself or by deputy, execute and return all writs and processes issued by the police judges or courts. He, or one of his deputies, shall attend on the sittings of the police court and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases of violation of the city ordinances, shall be co-extensive with the county.

SEC. 13. He shall suppress all riot disturbances and breaches of the peace, and to that end may call on any person to aid him. He may pursue and arrest, any person fleeing from justice from any part of the state, and shall forthwith bring all persons by him arrested before a police judge for trial or examination. He may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

SEC. 14. He shall have, in the discharge of his proper duties, like powers and be subject to like responsibilities as a sheriff in similar cases, and shall perform such other duties and have such other powers as may be imposed on or granted to him by this charter or ordinance.

Health Officer.

SEC. 15. The health officer shall have such powers and perform such duties as are herein or may by ordinance be granted or be imposed upon him.

Reports of Officers.

SEC. 16. It shall be the duty of the mayor, city attorney, city treasurer, city assessor, chief of police, health officer, city clerk, city engineer, superintendent of building, street superintendent, chief of the fire department, secretary of board of education, board of trustees of the Santa Monica public library, and the board of park commissioners, each to present to the council at its meeting in the second week in December of each year, a report for the preceding year ending the 30th day of November.

SEC. 17. It shall be the duty of any officer having in his possession any public money to pay the same into the treasury on Tuesday of each week.

SEC. 18. It shall be the duty of the mayor, the clerk, and city attorney to count all public moneys at least once a month and report their findings to the city council.

Annual Estimates.

SEC. 19. Every officer or board of the city shall make out and file with the city clerk, on or before the 15th day of July in each year an estimate of the expenses of his or its office or department for the year commencing on the 1st day of July preceding said report.

Administration of Oaths and Affirmations.

SEC. 20. The mayor, city treasurer, and each member of the council, and of each board and commission provided for in this charter, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or bodies, or concerning any demand on the city treasury, and the city clerk shall have the power to administer all oaths and affirmations required by the charter.

The city council and each board and commission provided for in this charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before each council, board or commission, as the case may be, by bubpœna, to be issued in the name of said City of Santa Monica, and to be attested by the city clerk of said city. The city clerk shall, upon the demand of the president of the city council, or the presiding officer of any such board or commission, issue such subpœna in the name of said city, and attest the same with the corporate seal thereof, and shall in such subpœna direct and require the attendance of the witness or witnesses sought to be subpœnaed before the city council or the respective board or commission requiring the issuance of said subpœnas at a time and place to be in said subpœnas specified.

The chief of police shall cause all such subpœnas to be served by some member of the police department upon the person or persons required to attend before the council or board or commission in such subpœnas designated. The city council shall from time to time, adopt ordinances providing suitable penalties for disobedience of such subpœnas, and the refusal of witnesses to testify before such council, board or commission when required so to do.

ARTICLE VI.

OFFICIAL BONDS.

SECTION 1. The city council shall by ordinance, fix the amount of the official bonds of all such officers of said City of Santa Monica as are by ordinance required to give bonds.

ARTICLE VII.

SALARIES OF OFFICERS.

SECTION 1. Each member of the council shall receive the sum of five dollars ($5.00) for each and every meeting attended by him, not to exceed one meeting a week.

The mayor and all other officers of the city shall receive such salaries as may be fixed by this charter or by ordinance.

ARTICLE VIII.

BOARD OF EDUCATION.

SECTION 1. The government of the school department of the city shall be vested in a board of education, to consist of five members, to be elected as herein provided, to be called members of the board of education, who shall serve without salary.

SEC. 2. The board of education shall elect one of its number president, and shall hold regular meetings at least once in each month, and special meetings at such times as shall be determined by rule of said board.

A majority of all the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The board may determine the rules of its proceedings; the ayes and noes shall be taken and recorded on all questions of elections, appointments, or the expenditure of money, and in all other cases upon the call of any member. Its sessions shall be public, and its records shall be open to public inspection. The board shall fill all vacancies occurring in that body until the next general municipal election.

It shall elect a secretary to serve during its pleasure, who shall not be a member of the board nor employed by it in any other capacity, and by resolution shall fix his salary.

The duties of the secretary shall be to call meetings of the board of education at the request of two members, and to keep a record of its proceedings; to keep account of receipts and expenditures of school money; to provide, under the direction of the board of education, all school supplies, authorized by law; to keep the school buildings in repair and to have care and supervision over the school premises and property during vacations; and to perform such other duties as may be prescribed by the board of education.

SEC. 3. The board of education shall have power:

(1) To establish and maintain public schools, including high schools, to change, consolidate and discontinue the same.

(2) To appoint or employ and dismiss a city school superintendent, such teachers, janitors, school census marshals, mechanics, laborers and other employés as may be necessary to carry into effect the powers and duties of the board; to fix and allow their salaries or wages; *provided*, that no election of a teacher, or other person employed by the board shall be construed as a contract, as to the duration of time.

(3) To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; *provided*, that corporal punishment shall not be inflicted upon any pupil in the public schools of said city except in the presence of or with the written consent of the parent or guardian of the pupil; also to establish and regulate the grade of schools, and determine what text-books, course of study and mode of instruction shall be used in said schools.

(4) To provide for the school department fuel and lights, water, blanks, blank books, printing and stationery; and to incur such other incidental expenses as may be deemed necessary by said board.

(5) To build, alter, repair, lease and provide school houses, and to furnish them with proper school furniture, apparatus and appliances, and to insure against fire any and all such school property.

(6) To take and hold in fee, or otherwise, in trust for the city, any and all real estate, and personal property that may have been acquired, or may be hereafter acquired, for the use and benefit of the public schools of the city; and to sell or exchange and to lease any of such property; *provided*, that the proceeds of any such sale or exchange shall be exclusively applied to the purchase of other lots, or the erection of school houses.

(7) To grade, fence and improve all school lots, and in front thereof to grade, sewer or pave and repair the street, and to construct and repair sidewalks.

(8) To sue for any and all property belonging to or claimed by the said board of education, and to prosecute and defend all actions at law or in equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the city attorney, free of charge, in all such cases.

(9) To determine annually the amount of money required for the support of the public schools, and for carrying into effect all the provisions of law in reference thereto; and, in pursuance of this provision, the board shall on or before the 15th day of July of each year, submit, in writing, to the city council a careful estimate of the whole amount of money to be received from the State and county, and the amount required from the city, for the above purpose, and the city council shall, in each year, fix the percentage of taxes to be levied and collected for school purposes, *provided*, that the amount to be thus levied for school purposes shall not exceed

twenty cents on each one hundred dollars' valuation upon the assessment roll, and that when collected it shall be paid into the school fund.

(10) To establish regulations for the just and equitable disbursement of all moneys belonging to the school fund.

(11) To examine and approve, in whole or in part, in the manner provided in Article XIII, every demand payable out of the school fund, or to reject any such demand for good cause.

(12) To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property.

(13) To prohibit any child under six years of age from attending the public schools.

(14) In its discretion to establish schools for the instruction of children between the ages of five and six years, and industrial and manual training schools or departments.

(15) To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose, or school property.

(16) And generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board, and to increase the efficiency of the public schools of said city.

SEC. 4. All contracts for building shall be given to lowest bidder thereon, offering adequate security, to be determined by the board after due public notice, published for not less than ten days in the official newspaper of the city. It shall be the duty of the board to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, merchandise, repairing and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred on account of such matter may exceed three hundred dollars, shall be done or furnished by contract let to the lowest bidder after like public advertisement; *provided*, that the board of education may reject any and all bids under this section.

SEC. 5. Any member of the board of education, officer or other person officially connected with the school department, or drawing a salary from the board of education, who, while connected or drawing such salary, upon investigation by the board of education, shall be found to be interested, either directly or indirectly, in, or to have gained any advantage or benefit from any contract, payments under which have been or are to be made, in whole or in part, from moneys derived from the school fund, or raised by taxation or otherwise for the support of the public schools, shall forfeit his office, and the board of education shall thereupon declare such office vacant.

SEC. 6. The board of education shall, before the 30th day of June of each year, fix a schedule of salaries for teachers and employés of the school department, to take effect on the 1st day of July following, and to remain in force during one year.

School Superintendent.

SEC. 7. The superintendent, with the approval of the board of education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city, until the next meeting of the board of education. It shall be the duty of the superintendent to report to the board of education annually, and at such other times as it may require, all matters pertaining to the condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school at least once a week; to observe, and cause to be observed, such general rules for the regulation, government, and instruction of the schools as may be established by the board; to recommend to the board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the board, and inform it at each session of the condition of the public schools, school houses, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and to acquaint himself with all the laws, rules and regulations governing the public schools in said city, and the judicial decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils, and their parents and guardians.

School Fund.

SEC. 8. The school fund shall consist of all moneys received from the State school fund and county school fund, and of all moneys arising from taxes which shall be levied annually by the city council of the city for school purposes; of all moneys arising from the sale, rent or exchange of any of the school property, and of such other moneys as may, from any source whatever, be paid into any school fund. The school fund shall be separate and distinct from all other moneys and shall be used for school purposes only under the provisions of this charter. If, at the end of any fiscal year, any surplus remains in the school fund, such surplus money shall be carried forward to the school fund for the next fiscal year, and shall not be, for any purpose whatever, diverted or withdrawn from said fund, except under the provisions of this charter.

SEC. 9. The said school fund shall be used and applied by said board of education for the following purposes, to wit:

(1) For the payment of the salaries or wages of the superintendent, teachers, janitors, school census marshals, and other persons who may be employed by said board.

(2) For the erection, alteration, repairs, rent and furnishing of school houses.
(3) For the purchase or rent of any real or personal property purchased or leased by said board.
(4) For the insurance of all school property.
(5) For the discharge of all legal incumbrances on any school property.
(6) For lighting the school rooms and the offices and rooms of the superintendent and board of education.
(7) For supplying the schools with fuel, water, apparatus, blanks, blank books and necessary appliances, together with books for indigent children.
(8) For supplying books, printing and stationery for the use of the superintendent and board of education, and for the incidental expenses of the department.
(9) For grading and improving all school lots, and for grading, sewering, planking, or paving and repairing streets, and constructing and repairing sidewalks in front thereof.

SEC. 10. All demands authorized by this article shall be paid by the city treasurer from the school fund; *provided*, that the said board shall not have power to contract any debts or liabilities, in any form whatsoever, against the said city, in contravention of this article, or exceeding in any year the income and revenue provided for the school fund for such year but this provision shall not be construed to prevent the incurring of indebtedness for permanent improvements to be liquidated by the proceeds of school bonds of the district issued in accordance with the general laws of the State for the purpose of defraying the cost of such permanent improvements.

SEC. 11. It shall be the duty of the auditor of the County of Los Angeles, upon the first Monday in each month, and at such other times as he may deem proper, to certify in duplicate to the superintendent of schools of such county the amount of school moneys at that time in the county treasury, and the amount received during the previous month. The county superintendent shall, upon the receipt of such certificates, indorse upon one of them the amount of such moneys to which the public schools of the city are entitled. The certificate so indorsed shall be at once returned to said auditor, who shall direct upon the same the county treasurer to pay the sum designated upon such certificate to the treasurer of the city for the use of the school fund thereof.

SEC. 12. The treasurer of said county shall thereupon pay to the treasurer of said city the sum directed by the auditor as above provided; and when said moneys are placed in the city school fund they shall be used in precisely the same manner as moneys raised by the city school taxes in the city; *provided* that the entire revenue derived by the city from the State school fund and the State school tax fund shall be applied by said board of education exclusively to the support of primary and grammar schools.

ARTICLE IX.

LIBRARY DEPARTMENT.

SECTION 1. The public library and reading room, known as the "Santa Monica Public Library," is hereby continued in existence, and shall be free of access to all citizens of said city and the general public, subject to such rules and regulations for the government and management thereof as may at any time be adopted by the board of trustees of said library, hereinafter provided.

SEC. 2. There shall be levied and collected annually, on all the taxable property in the city, as in other cases a tax sufficient to maintain such library, not less than $3,000 per year, and for purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Santa Monica, in accordance with the provisions of this charter and of the general laws of the State, for the purpose of defraying the cost of such improvements.

Trustees.

SEC. 3. The mayor shall, after his qualification under this charter, appoint, subject to confirmation by the council, a board of five trustees of said library, who shall serve without compensation and be known as "The Board of Trustees of the Santa Monica Public Library." They shall be chosen from the citizens at large without regard to political opinions, but with reference to their fitness for said office, and no member of said board shall hold office in said city in any other capacity.

SEC. 4. Said trustees shall hold office for two years, and until their successors are appointed and qualified, and if any vacancy occurs the mayor shall, subject to confirmation by the council, fill the same by appointment for the unexpired term.

SEC. 5. Said trustees shall, immediately after their appointment, meet and organize by the election of a president from among their number and they may appoint the librarian or any employé of the library department to act as clerk of the board. Such clerk shall keep a record of and full minutes in writing of all their proceedings, and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose and shall serve without extra compensation.

Powers of the Board.

SEC. 6. Such board, by a majority of all the members, to be recorded in the minutes with the ayes and noes at length, shall have power to make and enforce all such by-laws, rules and regulations as may be necessary or expedient for its own guidance, and for the administration, government and protection of such library, reading-room and property; to determine the number of officers and assistants to be appointed for such library and reading-room, and to determine and define their duties; to fix the salaries and wages of all such employés; to appoint a librarian and necessary assitants, and such other employés as may be necessary, and, for good cause, to remove them; to control and order the expenditure of all moneys at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the city treasurer, contained in Article XIII, to purchase or lease all necessary real property whereon to construct and thereon to construct a library building or buildings, or to lease appropriate rooms, or a building or buildings, for such library, and to have the general supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and generally do all that may be necessary to carry out the spirit and intent of this charter in establishing a public library and reading-room; *provided* that all moneys received for such library shall be deposited in the treasury of the city, to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund upon demands authenticated by the signatures of the president and clerk of the board. All libraries and reading rooms hereto established by said city, and all property, real and personal, thereto belonging, shall be turned over to the charge, custody and administration of the board of trustees, with like powers and liabilities as if such library had been established under this charter.

Who May Use the Library.

SEC. 7. The library and reading-room shall be forever free to the use of the inhabitants of the city, and persons sojourning therein, always subject to such reasonable rules and regulations as the board of trustees may adopt, and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules, and said board may extend the privileges and use of such library and reading-room to persons residing outside the city upon such terms and conditions as said board may, from time to time, by its regulations prescribe.

Donations and Conveyances.

SEC. 8. Any person desiring to make donations of money, secureties or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "The Board of Trustees of the Santa Monica Public Library," hereby created, to be owned, held and controlled by such board when accepted, according to the terms of the deed, gift, devise or bequest of such property; and, as to such property, the board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said board in its name as such special trustee; and the City of Santa Monica may, in its discretion, by ordinance, set apart and order to be conveyed by said board, as special trustee, any part of the real property of the city not otherwise appropriated.

SEC. 9. The board of trustees shall make the annual report and estimate hereinafter provided.

SEC. 10. The city council shall have power to pass ordinances imposing penalties for the punishment of persons committing injury upon such library, or the grounds or property thereof, and for injury to or failure to return any book belonging to such library.

POLICE DEPARTMENT.

SEC. 11. The mayor, who shall be ex officio a member and president of the board, and two citizens, to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of police commissioners of the city. The appointive members of the board shall serve without compensation, and shall be of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

SEC. 12. The police commissioners shall meet at least once a week.

SEC. 13. The police department shall consist of the chief of police and as many subordinate officers and such policemen and detective officers and employés as the council shall, by ordinance determine. All appointments and removal in the police department shall be made by the board of police commissioners.

SEC. 14. The salaries of members and employés of the police department shall be fixed by the council by ordinance.

SEC. 15. The police commissioners shall prescribe the rules and regulations for the government of the police force, and fix and enforce the penalties for their violation.

SEC. 16. The board of police commissioners, the chief of police, and other officers and employés shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

FIRE DEPARTMENT.

SEC. 17. The mayor, who shall be ex officio a member and president of the board, and two citizens to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of fire commissioners of the city. The appointive members of the board shall serve without compensation, and shall be of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

SEC. 18. The fire commissioners shall meet at least once a month.

SEC. 19. The fire department shall consist of a chief and assistant chief, and such other officers and employés as the council may, by ordinance, from time to time, determine to be necessary.

SEC. 20. The salaries of all officers and employés of the fire department, shall be fixed by the council, by ordinance.

SEC. 21. The board of fire commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

SEC. 22. The board of fire commissioners and the chief engineer, and other officers and employés, shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

PARK DEPARTMENT.

SEC. 23. All lands and real property located in the City of Santa Monica which have been heretofore, or which may be hereafter, set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public.

SEC. 24. The mayor, who shall be ex officio member and president of the board, and two citizens to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of park commissioners of the city. The appointive members of the board shall serve without compensation, and shall be members of different political parties. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified.

SEC. 25. The park commissioners shall meet at least once a month.

SEC. 26. The park department shall consist of as many officers and employés as the council may, by ordinnace, from time to time determine to be necessary. All appointments and removal in the department shall be made by the board of park commissioners.

SEC. 27. The salary of all officers and employés of the park department shall be fixed by ordinance.

SEC. 28. The board of park commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

SEC. 29. The board of park commissioners shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

BOARD OF HEALTH.

SEC. 30. There is hereby established in and for the City of Santa Monica a department to be known as the board of health, to consist of three members, viz: The mayor, who shall be ex officio a member and president of the board, and two citizens, to be appointed without regard to their political opinions, by the mayor, subject to confirmation by a majority of the council. Both of said citizens shall be physicians in good standing and graduates of some reputable medical college.

SEC. 31. The appointed members of the board shall hold office for two years, and until their successors are elected and qualified, and shall serve without compensation. All vacancies shall be filled for the unexpired term only. Any appointed member failing to qualify within ten days after his appointment shall be deemed to have declined the office, and a new appointment shall be made. Two members shall constitute a quorum for the transaction of business.

Health Office.

SEC. 32. The board of health shall be provided by the city council with a suitable office, in which it shall hold its official meeting once a month, or when requested by two members of the board.

SEC. 33. The board of health shall have such general supervision as may be provided by ordinance of all matters appertaining to the sanitary condition of the city, including jails, hospitals and all public health institutions.

Health Officer.

SEC. 34. The board shall appoint and, for good cause, may remove a health officer, whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college, and shall have practiced medicine for at least five years, and shall have been a citizen and resident for two years in this city, and have his license to practice medicine recorded with the county clerk of Los Angeles County, in accordance with the laws of the State of California regulating the practice of medicine. He must reside within the city limits. The board shall appoint all assistants to said health officer, and all employés in the health department, the number of such assistants and employés and their compensation to be fixed from time to time by ordinance.

SEC. 35. The health officer shall be the executive officer of the board, and he shall see that all ordinances in respect to the public health and the rules and regulations of the board of health are enforced; and shall receive all complaints of the violations of such ordinances, rules and regulations, and investigate the same and act thereon. He shall make to the board an annual report of the affairs of his office, including mortuary and other statistics, with such general observations as in his judgment might benefit the sanitary condition of the city. He shall in person visit once in each quarter all the public institutions in the city under the charge of the health department, and twice in each year he shall visit every public school in said city; during such visits he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. At the meetings of the board in the months of January, April, July, and October, he shall report to the board the result of his examinations.

Quarantine.

SEC. 36. Whenever it shall be certified to the board of health by the health officer that any building or part thereof is unfit for human habitation by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among its occupants, said board may issue an order, and cause the same to be affixed conspicuously on the building or in front thereof and to be personally served upon the owner, agent or lessee, if the same can be found, requiring all persons therein to vacate such building for the reasons aforesaid, to be stated therein. Such building, or part thereof, shall within ten days thereafter be vacated or within such shorter time, not less than twenty-four hours, as in said notice may be specified, but said board, if it should become satisfied that the danger from the building or parts thereof has ceased to exist, may revoke said order, and it shall thenceforth become inoperative.

SEC. 37. Every physician in the city shall report to the health officer in writing every patient he shall have sick of typhus, ship or yellow fever, Asiatic cholera, leprosy, smallpox, diphtheria or scarlet fever, and every death from such disease immediately after it shall have occurred. Also every householder in said city shall forthwith report in writing, or otherwise, to the health officer the name of every inmate of his or her house whom he or she have reason to believe is sick of typhus, ship or yellow fever, leprosy, cholera, or smallpox, or other contagious or infectious diseases, and any deaths occurring at his or her house from such disease.

Infectious Diseases.

SEC. 38. The health officer shall report to the superintendent of the public schools the names and residences of every person sick of typhus, ship or yellow fever, Asiatic cholera, smallpox, leprosy, diphtheria, scarlet fever or other contagious or infectious diseases, he may deem dangerous to the public health; and it shall be the duty of the superintendent of public schools when so notified of the residence of any person sick of any of the diseases enumerated to refuse admittance to the public schools of any member of a family, one or more of whose inmates are sick of any of the aforesaid diseases; *provided*, that the parties excluded shall be readmitted upon presenting a certificate from the health officer that there is no longer any danger from contagion.

SEC. 39. No person shall drive or use any vehicle, or suffer or permit any vehicle under his or her charge or control, to be driven or used for the conveyance, trasnportation, or removal of any person infected with the smallpox, or the body of any person who has died of smallpox, without the written consent of the health officer; also no person shall use or drive, or suffer or permit any vehicle authorized by the written consent of the health officer, to convey, transport or remove persons infected with the smallpox, or the bodies of persons who may die of the smallpox, to be used or driven for the conveyance, transportation or removal of persons uninfected with smallpox, without the written consent of the health officer.

SEC. 40. Whenever a case of smallpox, Asiatic cholera, or yellow fever is reported to the health officer, he shall immediately visit the premises where the person is, and the said health officer, upon personal inspection, shall, in cases of smallpox, Asiatic cholera, or yellow fever, immediately cause to be erected a yellow, or quarantine flag in a conspicuous place on said premises, or put upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

SEC. 41. The board of health may appoint and remove at pleasure a physician and nurses for the hospital or hospitals of the city when, in their judgment, it may be necessary. The salary of said officers shall be provided for in the same manner as for other officers of the board.

Smallpox Hospital.

SEC. 42. The city council may, by ordinance, establish and provide for the government of a smallpox hospital.

ARTICLE X.

BOARD OF WATER COMMISSIONERS.

SECTION 1. At such time as this city may become the owner of a water system, the city council shall by ordinance provide for the appointment of a board of water

commissioners, defining their duties, and for the appointment of such employés as may be necessary.

ARTICLE XI.

ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of two kinds:

(1) General municipal elections.

(2) Special elections.

SEC. 2. General municipal elections shall be held in said city on the first Monday in April, 1907, and on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected:

A mayor,

A city clerk,

A city treasurer who shall be ex-officio tax collector,

A city assessor, and

Five members of the board of education,

And by the electors of each ward, one member of the city council.

SEC. 3. The first officers elected at a general municipal election shall after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the third Monday in April of the year of their election. All officers elected thereafter shall enter upon the discharge of their duties on the first Monday in January of the year succeeding their election, and shall serve for two years, and until their successors shall have been elected and qualified.

SEC. 4. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the Constitution, the law, this charter, or by ordinance; *provided*, that in case such question is required by said Constitution, law, charter, or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

SEC. 5. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city upder which they were elected.

Eligibility to Office.

SEC. 6. No person shall be eligible to, or hold any office in said city, whether filled by election or appointment, unless said person be a resident and, if a male citizen, an elector therein, and shall have resided in said city for the following times:

Mayor, three years.

Members of the council, two years within the city and the last one year prior to his election within the ward from which he is elected.

All other elective officers, two years.

All officers appointed by the mayor and confirmed by the council, one year.

SEC. 7. In addition to the above qualifications the attorney must have been admitted to practise in all courts of this State, and also in all Federal courts within the Southern District of California.

Vacancies.

SEC. 8. A vacancy exists in an office within said city when an officer dies, resigns, or ceases to be a resident of the city, or if he be a councilman ceases to reside in the ward for which he was elected.

SEC. 9. A vacancy in an elective office shall be filled by the council.

ARTICLE XII.

CONTRACTS.

SECTION 1. In the erection, improvement, and repair of all public buildings and works, and in all street and sewer work, where payment for the same is to be paid out of the street or general fund, and in all work in or about streams, bays or water fronts, or in or about embankments, or other work for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of three hundred ($300.00) dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after due notice by publication in a newspaper of general circulation printed and published in such city, for at least ten days. Such notice shall distinctly and specifically state the work contemplated to be done; *provided* that the council may reject all bids presented, and re-advertise, in their discretion. The council shall annually, at a stated time contract for doing all city printing and advertising, which contract shall be let to a daily newspaper of general circulation, published wholly within said city, submitting the lowest bid, after notice, as provided in this section.

SEC. 2. The City of Santa Monica shall not be and is not bound by any contract, or in any way liable thereon, unless the same is made in writing by order of the council, the draft thereof approved by the council, and the same ordered to be, and be, signed by the mayor, or some other person authorized thereto, in behalf of the city; *provided* that the approval of contracts by the city attorney, as required by the provisions of Article V of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council, by an ordinance, may authorize any officer, committee or agent of the city to bind the city without a contract in writing for the payment of any sum of money not exceeding three hundred dollars.

ARTICLE XIII.

CLAIMS AND DEMANDS.

SECTION 1. All claims and demands whatever against the City of Santa Monica except interest coupons on bonds and bonds of the funded debt, shall be paid only on demands as herein provided for.

SEC. 2. Said demands, except demands payable out of the school fund, the library fund, or water revenue fund, shall be presented to the council on forms and blanks to be provided by the city clerk, and shall be referred to its committee on finance. The said committee shall, by endorsement thereon, approve or reject the same in whole or in part. The council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the council shall be endorsed thereon, with the date of such action, and certified by the signatures of the president and the city clerk; *provided*, that it shall require the votes of a majority of the members of the whole council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

SEC. 3. All demands payable out of the school fund must, before they can be approved by the city clerk, or paid, be previously approved by the board of education, by a vote of the majority of the members thereof taken with the ayes and noes spread upon the minutes, and the action of said board endorsed on said demand and signed by the presiding officer and the secretary thereof. After the approval of said demands they shall be delivered to the City Clerk, who shall have the same powers and perform the same duties in reference to demands payable out of the school fund as is provided for other demands.

SEC. 4. All demands payable out of the library fund must, before they can be approved by the city clerk, or paid, be previously approved by the board of trustees of the Santa Monica Public Library, by a vote of three members thereof, taken with the ayes and noes and spread on the minutes, and the action of said board endorsed on said demand and signed by the presiding officer and the secretary thereof. After the approval of said demands they shall be delivered to the city clerk, who shall have the same power and perform the same duties in reference to demands payable out of the library fund as are provided for other demands.

SEC. 5. No demand can be approved by any board or officer, audited or paid, unless it specify each several items, with the date and amount thereof.

SEC. 6. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer and board of officers, as required by this charter, and this must appear upon the face of the paper representing the demand, or else it is not audited; *provided*, that the approval or rejection in whole or part of a demand by the committee on finance of the council is advisory only to the council, and the rejection by said committee of a demand in whole or in part does not of itself prevent it being duly audited.

SEC. 7. No demand upon the treasury shall be allowed by the city clerk in favor of any person or officer in any manner indebted thereto without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or his reports in writing in the manner and at the time required by law or this charter, or by the ordinance or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of Legislature regulating the duties of such officer, on being required in writing to comply therewith by the mayor or president of the council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from his duties of his office during the office hours prescribed by this charter or by ordinance, and the city clerk may examine any officer receiving a salary from the treasury on oath touching such absence.

SEC. 8. The city clerk must number and keep a record of all demands on the treasury, showing the number, date, amount and name of the original and present

holder, on what account allowed, out of what fund payable, and by what officers or board it has been previously approved; and it shall be a misdemeanor in office for the city clerk to deliver any demand until this requisite has been complied with.

SEC. 9. Every lawful demand upon the treasury, duly audited, as in this charter required, shall in all cases be paid on presentation and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable, and total deficiency in said fund; and being so registered, shall be returned to the party presenting it, with an endorsement of the word "registered" dated and signed by the city treasurer. All registered demands shall be payable in the order of their registration.

SEC. 10. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of bonds of the funded debt of the City of Santa Monica, and the interest coupons thereof, in accordance with the Constitution, laws, and ordinances authorizing the issuance of said bonds.

SEC. 11. All public moneys collected by any officer or employé of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions or other cause or pretense; and the compensation of any officer, employé or other person so collecting money, shall be paid by demands on the treasury duly audited as other demands are audited, and paid.

SEC. 12. No suit shall be brought on any claim for money or damages against the City of Santa Monica, its board of education, board of trustees of the Santa Monica Public Library, or the board of water commissioners, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or said board of education, board of trustees of the Santa Monica Public Library, or board of water commissioners, upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceeding against the city council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or pay the same when so audited.

ARTICLE XIV.

POLICE COURT.

SECTION 1. The judicial power of the city shall be vested in a police court presided over by a police judge.

SEC. 2. The police judge shall have the powers of examining magistrates and may commit offenders for trial in the proper court.

SEC. 3. The police court shall have exclusive jurisdiction of the criminal proceedings for a violation of any city ordinance, and all civil actions and proceedings arising out of the violation of such ordinances and for the collection of any license required by any ordinance, except such actions and proceedings as are within the jurisdiction of other courts under the provisions of the constitution of this state.

SEC. 4. The police court shall also have exclusive jurisdiction of the following public offenses committed within the city, (except when prosecuted by indictment or information:)

1. Petty larceny;
2. Assault and battery;
3. Breaches of the peace, riot, committing willful injury to property and all misdemeanors punishable by fine or imprisonment in the county jail, or both;
4. Proceedings respecting vagrants, lewd or disorderly persons.

SEC. 5. The police court shall have concurrent jurisdiction with the justice's court of the township, in all civil cases arising within said city, which might be tried by the justice's court of Santa Monica township.

SEC. 6. The clerk of said court shall remain at his office during business hours and for such reasonable time thereafter as may be necessary for the discharge of his duties.

SEC. 7. All fines, penalties and forfeitures collected by said police court shall be the property of the city and shall be immediately deposited with the city treasurer for the use of said city.

SEC. 8. The city shall furnish the necessary dockets and all blanks and other books and papers and stationery necessary in the transaction of the business of the said police court. A complete record of all cases shall be entered in the docket of said court. Separate dockets shall be kept for the civil and criminal business.

SEC. 9. The said court shall have a seal, which shall be furnished by the city.

SEC. 10. The police court shall always be open for the transaction of business, except on Sundays and other legal holidays.

ARTICLE XV.

THE INITIATIVE.

SECTION 1. The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general

election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petitions herein provided for. Upon presentation to the city council of a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the city council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 30 per cent of said registration, then such measure, if not so enacted by the city council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions.

The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office, the city clerk shall examine and from the great register, and certificates of registration, ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called to question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the persons filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay. Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section more than one special election in any period of six months.

Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall inclose a printed copy thereof in an envelope and mail the same to each voter, at least ten days prior to the election, but the city council may order such measure to be printed in the official newspaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure, as at first above provided. Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessment, shall not come within the operation of this section.

THE REFERENDUM.

SEC. 2. Any measure that the city council or the electorate of the city, as herein provided, has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than $1000,) passed by the city council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public peace, health and safety, passed by a three-fourths vote of the city council and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council or as otherwise provided by law.

If within said thirty days a petition or petitions signed by qualified electors of the city, in number equal to 25 per cent of said registration, is filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessments, and contracts where the subject matter involved is of less value than $1000,) adopted by the city council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the

filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city, in number equal to 30 per cent of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted, shall be again so submitted, except by a vote of the city council, or on a petition signed by 30 per cent of said registration. Said petition or petitions shall be in all respects in accordance with the provisions of section one of this article except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

If the majority of votes cast on any ordinance or measure referred as provided in sections one or two of this article to the electors of the city, shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined.

No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, nor, within two years from the date of its adoption, be amended or repealed except by a vote of the electorate or by legislative authority superior to that of the city council. Any amendment or repeal of such ordinance by the city council shall be subject to the referendum provided in this section.

If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter conflict, then the measure receiving the highest affirmative vote shall control.

THE RECALL.

SEC. 3. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 40 per cent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and ascertain whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said result of said examinations. If, by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and the results thereof declared, in all respects as are all other city elections. The successor of any officer so removed, shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall, thereupon be deemed removed from his office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The indebtedness of said city must not exceed the sum of 10 per cent of its assessed valuation, exclusive of any indebtedness that has been or may

hereafter be incurred for the purpose of acquiring or establishing a system of waterworks for the supplying the inhabitants of the city with water, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers, for the collection and disposition of the sewage of the city, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers for the collection and disposition of storm waters in the city. For any or all of these purposes a further indebtedness may be incurred by the issue of bonds under the provisions and subject only to the limitations of the constitution and general laws.

SEC. 2. In any action, suit or proceedings in any court concerning an assessment of property, or levy of taxes authorized by this act, or the collection of any such, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed, or left to the discretion of the mayor and council, or other authorities of said city, such discretion or judgment when expressed or declared is final and cannot be reviewed or called in question elsewhere.

SEC. 3. Real property when sold for or to satisfy a delinquent assessment or tax, must be sold for United States coin, and not otherwise; and any one applying or seeking to redeem property so sold as in this charter provided, must pay, or offer to pay, the sum necessary therefor in such coin, and not otherwise.

SEC. 4. In all prosecutions for violation of any city ordinance, rule or other regulation of said authorities, whether in the court of original jurisdiction or in any appellate court, it shall be unnecessary to plead the contents of the same; but the court before which the prosecution shall be pending shall take judicial notice of such ordinance, resolution, rule or other regulation, and of the contents thereof; and, in any civil action or proceeding to which the said corporation is a party, either as plaintiff or defendant, the adoption and contents of any ordinance, resolution, by-law, rule, or regulation may be prima facie proven by the introduction of the original entry thereof on the journal of the proceedings of the council, a copy of such entry, certified by the city clerk to be a full, true and correct copy of such original entry, or by the introduction of a printed copy thereof.

SEC. 5. The fiscal year of the city shall begin on the first day of January of each year and end on the thirty-first day of December following.

SEC. 6. Whenever the word "city" occurs in this charter it means the City of Santa Monica, and whenever any department, board or officer is mentioned in this charter it means such department, board or office as the case may be of the City of Santa Monica.

SEC. 5. All acts of the legislature relating to the City of Santa Monica, and all city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not thereby be lost, impaired or discharged; and all actions and proceedings commenced in any court wherein the City of Santa Monica is a party, shall be continued under the law existing when said action or proceedings was commenced.

SEC. 6. This charter shall take effect immediately on its approval by the Legislature, as provided by law.

CERTIFICATE.

WHEREAS, The City of Santa Monica, a city containing a population of more than three thousand five hundred inhabitants, did, on the seventeenth day of October, A. D. 1905, at a special election, and under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, elect the undersigned a board of fifteen freeholders, to prepare and propose a charter for said city:

Be it known, that in the pursuance of said provision of the Constitution, and within a period of ninety days after such election the said Board of Freeholders has prepared and does propose the foregoing articles, signed in duplicate, as and for the charter of said City of Santa Monica.

Said charter, including this certificate, shall be published twenty days in the "Daily Outlook", a daily newspaper printed, published and circulated in the City of Santa Monica, and after such publication it shall be submitted to the qualified electors of said city at a special election to be held therefor at such time as the board of trustees of said city may designate; and if a majority of the qualified electors of the city, voting at said election, shall ratify the same, it shall be submitted to the Legislature of the State of California for its approval or rejection.

The said board of trustees of said city shall provide for the holding of the first election of officers under this charter, in accordance with the provisions of the charter and the general election laws of the State, and shall canvass the votes and declare the result.

If the Legislature approve this charter, it shall thereupon become the charter and organic law of the City of Santa Monica, except as herein provided.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Santa Monica, in the State of California, this eleventh day of January, A. D. 1906.

C. A. STILSON, President.
A. N. ARCHER.
T. H. DUDLEY.
H. X. GOETZ.
R. R. TANNER.
GEO. H. HUTTON.
ROY JONES.
ROBERT F. JONES.
A. M. JAMISON.
B. A. NEBEKER.
GEO. D. SNYDER.
WM. S. VAWTER.
D. G. HOLT, Secretary.

Filed this 12th day of January, 1906.

J. C. HEMINGWAY, Clerk.

THE OFFICE OF THE PRESIDENT OF THE BOARD OF TRUSTEES OF THE CITY OF SANTA MONICA.

IN THE CITY OF SANTA MONICA,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

I, T. H. Dudley, President of the Board of Trustees of the City of Santa Monica, County of Los Angeles, State of California, do hereby certify that the Board of Freeholders whose names appear signed to the foregoing proposed charter were, on the seventeenth day of October, 1905, at a special municipal election held in said city on said day, duly elected by the qualified voters of said city to prepare and propose a charter for said city; that each of said Freeholders had been a qualified elector and freeholder of said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as President of said Board of Trustees within ninety days after said election, as required by Section 8 of Article XI of the Constitution of this State; that such proposed charter was then published in one daily newspaper of general circulation in said city to wit:

The "Santa Monica Daily Outlook" (said city containing a population of over thirty-five hundred inhabitants and less than ten thousand inhabitants), for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by Section 8, to wit: on the twenty-eighth day of March, 1906, said charter was submitted to the qualified electors of said city at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter. That said proposed charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city and that the returns of said election were duly canvassed by the Board of Trustees of said City of Santa Monica on the second day of April, 1906, and the result thereof declared as above set forth and that in all manners and things pertaining to said proposed charter the provisions of said section have been duly complied with.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the corporate seal of said city this 4th day of January, 1907.

T. H. DUDLEY,
President of the Board of Trustees of the City of Santa Monica.

[SEAL.] Attest:
J. C. HEMINGWAY, City Clerk.

Now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said charter of the City of Santa Monica as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said City of Santa Monica aforesaid.

Assembly Concurrent Resolution No. 5 read.

The roll was called, and Assembly Concurrent Resolution No. 5 adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton Strohl, Strobridge, Thompson,

of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—70.

NOES—Johnson of Sacramento—1.

Concurrent Resolution ordered transmitted to the Senate.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 3—Relative to approving the charter of the City of Alameda, State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

JURY, Chairman.

Mr. Otis moved that the Assembly now proceed to consider Assembly Concurrent Resolution No. 3.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION No. 3.

Approving the charter of the City of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 18th day of July, 1906.

WHEREAS, The City of Alameda, a municipal corporation of the County of Alameda, State of California, now is and was at all the times herein referred to, a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 27th day of January, 1906, under and in accordance with law and the provisions of section eight of article eleven of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of Alameda; and

WHEREAS, The said charter was on the 26th day of April, 1906, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said City of Alameda, and the other copy with the county recorder of the said County of Alameda, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the Alameda Daily Argus and in the Daily Encinal, each being daily newspapers of general circulation in said City of Alameda, and the said charter being published as aforesaid for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the board of trustees of the City of Alameda to the qualified electors of said City of Alameda at a special election previously duly called and therein held on the 18th day of July, 1906; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city voting at such special election voted in favor of the ratification of such charter as proposed as a whole, excepting that a majority of said qualified electors voting at such election voted in favor of the ratification of Alternative Proposition No. 1 and of Alternative Proposition No. 2 contained in said proposed charter, which alternative propositions were therefore respectively chosen and substituted for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; and

WHEREAS, Said board of trustees after canvassing said returns duly found and declared that the majority of said qualified electors, voting at said special election, had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following to wit:

CHARTER OF THE CITY OF ALAMEDA.

ARTICLE I.

BOUNDARIES, SUBDIVISIONS AND GENERAL POWERS.

SECTION 1. The municipal corporation known as the City of Alameda shall remain and continue a body politic and corporate, by the name of the City of Alameda, and by that name shall have perpetual succession.

SEC. 2. The boundaries of the City of Alameda are hereby declared to be as follows:

Commencing at a point where the center line of High street produced in a right line northerly intersects the center line of the Tidal Canal, and thence following the

center line of the Tidal Canal westerly to its intersection with the easterly boundary line of Oakland Township near the west line of Park street if extended northerly to the center line of the Tidal Canal, and running thence southerly to the southeast corner to Oakland Township, which was formerly in a small slough at the most easterly end of San Antonio Creek and always known as a part thereof (said small slough having been since filled in part and dredged along the remaining part through operations relative to the construction of the Tidal Canal); running thence westerly along the center of the said small slough originally forming part of San Antonio Creek to the center of San Antonio Creek proper; thence westerly down the center of San Antonio Creek to the westerly boundary of Alameda County; thence southeasterly along the boundary of said county to an angle thereof; thence easterly along said county line produced in a right line to a point in the line dividing sections thirty-one (31) and thirty-two (32), township two (2), south, range three (3), west, M. D. M.; thence northerly along said section line to the northeast corner of lot one (1), section nineteen (19), township two (2), south, range three (3), west, M. D. M.; thence in a northerly direction to the center line of the Tidal Canal; thence along the center of the Tidal Canal to the point of commencement.

Unless a majority of the electors of the city shall affirmatively vote therefor at a general or special municipal election, neither shall the boundaries of the city be changed, nor shall the city be consolidated with any other city, or city and county.

SEC. 3. The City of Alameda may sue and defend in all courts and places; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy real and personal property and dispose of the same for the common benefit; may receive bequests and donations of all kinds of property in fee simple or in trust for charitable and other purposes; and may do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

SEC. 4. The City of Alameda shall continue, under this charter, to have, hold and enjoy all property, real, personal and mixed, and rights of action of every nature and description, of the existing municipality, and is hereby declared to be the successor of the same.

SEC. 5. Suits, actions and proceedings may be brought in the name of the City of Alameda for the recovery of any property, money or thing belonging thereto, in law or in equity, or dedicated to public use therein, or for the enforcement of any rights of or contracts with, the city, whether made or arising or accruing before or after the adoption of this charter. All existing suits, actions or proceedings in the courts or elsewhere, to which the city is a party, shall continue to be carried on by or against the city.

SEC. 6. For the purposes of the first election held under this charter, and until changed in the manner hereinafter provided, the City of Alameda shall be divided into seven wards, as follows:

The First Ward, which shall include all that portion of the city lying south of an east and west line passing through the center of Bay Farm Island bridge, and known as Bay Farm Island, and also that portion of the city lying north of said east and west line passing through Bay Farm Island bridge, and easterly of the center line of Versailles avenue and the same center line of Versailles avenue extended in a right line northerly to the northern line of the city at the center line of the Tidal Canal.

The Second Ward, which shall include all that portion of the city not embraced in the First Ward, and lying east of a line drawn through the center of Park street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

The Third Ward, which shall include all that portion of the city not embraced in the First and Second Wards, lying east of a line drawn through the center of Willow street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

The Fourth Ward, which shall include all that portion of the city not embraced in the First, Second and Third Wards, lying east of a line drawn through the center of Paru street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

The Fifth Ward, which shall include all that portion of the city not embraced in the First, Second, Third and Fourth Wards, lying east of a line drawn through the center of St. Charles street, said line extended northerly to the northern boundary of the city and southerly to the western boundary of the Fourth Ward.

The Sixth Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth and Fifth Wards lying east of a line drawn through the center of Sixth street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

The Seventh Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth, Fifth and Sixth Wards.

SEC. 7. The City of Alameda shall have the right and power, either as principal or as agent:

First: To have, hold, establish, construct, acquire, operate, maintain and regulate public buildings, baths, fountains, markets, dispensaries, sanitariums, hospitals, libra-

ries, reading rooms, schools, gymnasiums, kindergartens, charitable institutions, workhouse, morgue, crematories, gas and electric works, telephone and telegraph systems, ferries, light, heat and power works and transportation service.

Second: To have, hold, acquire, construct and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of, all pipes, tubes, conduits, wires and electric or telegraphic apparatus in, along, over, under and across all public streets and highways; to require all telegraph and electric wires to be placed underground; and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.

Third: To have, hold, erect, purchase or otherwise acquire water, gas and electric works within or without the corporate limits; to supply said city and its inhabitants and persons, firms and corporations outside of said city with water, gas and electricity, and to regulate and control the use and price of water, gas and electricity so supplied.

Fourth: To sell gas, water, electric current and all products of any public utility which the city now owns or controls or which it may hereafter own or control; also to purchase gas, water, electric current or other product which may be of public utility, and to sell the same.

Fifth: To condemn, purchase, construct, own and operate, cable, electric and other railways, and to provide for the carriage of freight and passengers thereon.

Sixth: To acquire, by condemnation, purchase or otherwise, such lands or other property, as may be deemed necessary for corporate use, and to dispose of real or personal property owned by the city as the interests of the city or its inhabitants may from time to time require.

Seventh: To do and perform whatsoever is necessary or convenient for its own government and for the benefit of its inhabitants, and to do any act which the council is by this charter or by any law now or hereafter in force, authorized to do.

ARTICLE II.

LEGISLATIVE.

Chapter I—Council.

SECTION 1. Except as otherwise provided, the legislative power of the City of Alameda shall be jointly vested in a body to be designated the council, and in a mayor.

SEC. 2. The council shall consist of nine members, seven of whom shall be nominated by the electors of the respective wards and two by the electors at large. They shall all be elected by the voters at large. Each shall hold office for four years, and until his successor is elected and qualified,

Provided, that the first council elected under the provisions of this charter shall, at their first meeting, so classify themselves by lot that three of the ward councilmen shall go out of office at the end of two years and four at the end of four years, also that one of the councilmen at large shall go out of office at the end of two years and one at the end of four years. At the time of his election each ward nominee must be an elector of the ward from which he has been nominated, and must be of the age of at least twenty-five years. He must have been an elector of the city for at least three years last preceding his election. The members of the council shall receive no pay for their services.

SEC. 3. A majority of the members shall constitute a quorum, but a less number may adjourn from time to time, and compel the attendance of absent members in such manner and under such penalties as the council may prescribe.

SEC. 4. The council shall:

One: Judge of the qualifications of its members and of all election returns.

Two: Establish rules for its proceedings;

Three: Keep a correct journal of its proceedings and allow the same to be published. The ayes and noes shall, on demand of any member, be taken and entered therein.

Four: Choose one of its number president.

Five: Meet on the third Monday in April next succeeding the general municipal election, and hold regular meetings twice in each month and at such other times as they shall fix by ordinance. The council shall not adjourn to any place other than its regular place of meeting. The meetings of the council shall be public. Special meetings may be called by the mayor or by the president of the council or by three councilmen, by serving the members personally with written notices or leaving the same at places designated by the respective members.

SEC. 5. Every legislative act of the city shall be by ordinance. The enacting clause of every ordinance passed by the council shall be in these words: "Be it ordained by the council of the City of Alameda." The enacting clause of every ordinance passed by the people shall be as follows: "Be it ordained by the people of the City of Alameda." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose. No ordinance shall be passed by the council on the day of its introduction or within five days thereafter, or at any time other than at a regular meeting or an adjourned regular meeting. Every ordinance shall be signed by the officer presiding at the time of its adoption, attested by the clerk and published at least once in a newspaper published in the City of Alameda, or advertised as hereinafter provided.

It shall not be necessary in any action to plead or prove the organization or existence of such corporation, or the passage, existence or validity of any ordinance thereof; and courts shall take judicial cognizance thereof without proof.

SEC. 6. Except as hereinafter provided no bill shall become an ordinance, or resolution be adopted unless finally passed by a majority vote of all the members of the council, and the vote taken by ayes and noes, and the names of the members voting for and against the same entered in the journal. No resolution or order for the payment of money shall be passed at any other than a regular meeting or an adjourned regular meeting.

SEC. 7. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted or the section thereof to be amended, shall be re-enacted at length as revised and amended. Any ordinance revised, re-enacted or amended contrary to the provisions of this section shall be void.

SEC. 8. When a bill is put upon its final passage in the council and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next regular meeting.

SEC. 9. If any bill passed by the council containing several items appropriating money or fixing a tax levy, be presented to the mayor, he may object to one or more items separately, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items to which he objects, and the reasons therefor, and the item or items so objected to shall not take effect unless passed notwithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the council in the same manner as bills which have been disapproved by the mayor.

SEC. 10. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in and about streets, bays, water fronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and when let shall be let to the lowest responsible bidder, after notice by publication in the official newspaper of the city for at least twice a week for two weeks. Such notice shall distinctly and specifically state the work contemplated to be done; *provided* that the council may reject all bids presented, and re-advertise in their discretion.

SEC. 11. The council shall annually call for bids for doing city printing and advertising, and the contracts therefor shall be awarded separately, and to the lowest responsible bidder;

Provided, that the council may reject all bids if in their opinion the bid of the lowest responsible bidder is exorbitant, and may again call for bids, subject to the reservation hereinafter mentioned. If the council shall determine that the bids secondly received are exorbitant, they may nevertheless let the contract to the lowest bidder for such portion of the printing as the board may determine, reserving the option to obtain other printing from such bidder at his schedule rates; and as to any printing not absolutely mentioned in the contract, the board may from time to time secure the same to be done by any party who may agree to do the same at a lower rate than that scheduled in the bid for doing the city printing; and in lieu of any newspaper advertising, may issue and publish a bulletin containing such matter as they are required by law to publish, sending the same by mail to the registered voters of the city, to their addresses as the same shall appear on the latest printed copy of the great register of Alameda County, and shall also post printed copies of such advertisement in three public places in the City of Alameda, at least five days before action is taken in response to said advertisement. Such mailing and posting shall be conclusively deemed of the same effect as if the advertisement had been fully published in the official newspaper of the city. The board shall annually designate as the official city paper, a newspaper published in this city. All provisions of this charter are subject to the provisions of this section.

SEC. 12. Every ordinance shall take effect ten days after its passage, unless otherwise provided.

SEC. 13. Every bill and every resolution as hereinbefore provided, which shall have passed the council and shall have been duly authenticated, shall be presented to the mayor for his approval. The mayor shall return such bill or resolution to the council within ten days after receiving it. If he approve the bill he shall sign it. If he disapprove it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the mayor shall be entered at large in the journal of the council, and the council shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be passed by the affirmative vote of not less than two thirds of the council, the presiding officer shall certify that fact on the bill or resolution, and when so certified the bill shall become an ordinance with like effect as if it had been approved by the mayor. If the bill or resolution shall fail to receive the votes of two thirds of the council, it shall be deemed to be finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for and against the same shall be entered in the journal.

SEC. 14. All ordinances and resolutions shall be deposited with the city clerk, who shall record the same in a suitable book.

All ordinances of a general, public or permanent nature, and those imposing a fine, penalty, or forfeiture, shall be published at least once in the city official newspaper within three days after the same shall have become a law. The publication of all ordinances granting any franchise or privilege shall be at the expense of the applicant therefor.

SEC. 15. No ordinance passed by the council shall be repealed by the council except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the mayor for his approval as hereinbefore provided.

SEC. 16. No member of the council shall be eligible to appointment on any board or commission provided for in this charter except so designated in the charter.

Chapter II—Powers and Limitations of the Council.

SEC. 17. Subject to the provisions and restrictions in this charter contained, the council shall have power:

One. To ordain, make and enforce within the limits of the city all necessary local, police, sanitary, building and other laws and regulations.

Two. To punish its members and others for disorderly or otherwise contemptuous behavior in its presence, and to expel for such behavior in its presence any member by the affirmative vote of not less than two thirds of its members, specifying in the order of expulsion the cause thereof; to compel attendance of witnesses and the production of papers and things pertinent to business, before it or before any of its committees.

Three. To establish, build and repair bridges; to acquire, lay out, open, widen, extend, alter and close streets, avenues, alleys, lanes, roads, courts, parks, boulevards, playgrounds, recreation grounds and other public places within said city; to fix and alter official grades; to grade, pave, curb, sidewalk, sewer, drain and otherwise improve the same; to provide for the repair, cleaning, watering, oiling, lighting and parking thereof; to manage and control such streets, roads, highways and public places and to regulate the use thereof; to permit, regulate or prohibit the placing or maintaining of trees, hitching posts, safety and convenience stations, signs, awnings and other obstructions therein and to remove obstructions therefrom; to cause to be planted, maintained and cultivated, shade trees therein; to regulate the pruning of all trees planted and maintained in public places; to levy special assessments for street improvements, and to provide for the collection of the same;

Four. To establish fire limits with proper regulations.

Five. To require the owners of real property to construct and repair sidewalks, and to remove grass, weeds and obstructions from sidewalks in front of their property; to require them to prune sidewalk trees as provided by ordinance; and upon their neglect or refusal, to cause such work to be done, the cost thereof to be made a lien upon said property or otherwise recovered from such owners.

Six. To regulate and determine the character and mode of construction, plumbing, piping and wiring of buildings that may be erected in the city, and the nature and kind of materials to be used in the construction, alteration or repair of such buildings, or in the alteration or repair of existing buildings, and to restrict the height of buildings and fences.

Seven. To regulate the size and construction of the entrances and exits to and from theaters, lecture rooms, churches and other places for public gathering, and to prohibit the placing of seats, and other obstructions in the aisles and open spaces in such buildings.

Eight. To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city, or disturb the public peace, or which may be offensive to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

Nine. To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, guncotton, nitro-glycerine, fire works and other explosive materials and substances.

Ten. To regulate the storage of hay, straw, oil and other inflammable or combustible materials.

Eleven. To regulate the use of steam engines and gas engines and steam boilers, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Twelve. To provide for and maintain a city prison, and to provide for the government, maintenance and clothing of persons detained therein.

Thirteen. To declare what shall be a nuisance and to provide for the abatement of the same and for the punishment of any person or party who shall create, maintain or suffer a nuisance to exist; and every act or thing done or being within the limits of the city which is or may be by law or by any ordinance of the city declared to be a nuisance shall be and is hereby declared to be a nuisance, and shall be considered and shall be treated as such in all actions and proceedings whatever; and all remedies which are or may be given for the prevention and abatement of nuisances shall apply thereto.

Fourteen. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody, redemption, sale or destruction of the same.

Fifteen. To provide for the inspection of water meters, gas meters and electric meters, and of weights and measures, and to enforce such regulations as may be necessary to insure their accuracy, and to provide for the inspection of all buildings, including those in process of construction or repair; also to provide for the inspection of all food products and liquids, and to compel samples thereof to be furnished to inspectors for analysis and to compel dealers to furnish the names and addresses of manufacturers or other persons from whom impure or adulterated food, food products or liquids have been obtained; and the council may, by ordinance, prescribe penalties for the sale of goods, wares or merchandise weighing or measuring less than represented, and for the sale of impure or adulterated food products or liquids, and may order the same destroyed.

Sixteen. To fix and determine by ordinance in the month of February of each year to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the city for the use of water, heat, light or power, telephonic or telegrahic or other public service supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Seventeen. To impose all license taxes, subject to the restrictions elsewhere in this charter contained, and to provide for the collection thereof.

Eighteen. To change the boundaries of the several wards in the city, subject to the provisions of this charter, *provided* that said boundaries shall not be changed by the council oftener than once in four years nor within ninety days prior to any general municipal election.

Nineteen: To authorize the granting of licenses for any lawful purpose, for revenue and regulation, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same; *provided* that no license shall be granted for a longer period than one year.

Twenty. To prescribe and enforce fines, forfeitures and penalties for the breach of any ordinance or resolution.

Twenty-one. To fix the fees and charges for all official services not otherwise provided for in this charter.

Twenty-two. To provide a seal for the city, which shall be the seal of the several departments, boards, commissions and officers thereof.

Twenty-three. To fix, alter, regulate and control fares and rates on all cable, electric, steam or other railways within the city; to compel the owners of two or more such roads using the same street for a distance not exceeding five blocks to use the same tracks and to equitably divide the cost of construction and maintenance thereof; to regulate rates of speed and to protect the public from danger or inconvenience in the operation of such roads; to erect, construct and maintain all buildings and appurtenances necessary to the operation of such roads as may be hereafter owned or controlled by the city.

Twenty-four. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Twenty-five. To provide for the purchase of property levied upon or under execution in favor of the city; but the amount bid on such purchase shall not exceed the sum of the judgment, interest and costs.

Twenty-six. To provide for making local improvements and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof; to determine what work shall be done or improvements made at the expense in whole or in part, of the owners of the adjoining contiguous or proximate property, or others benefited thereby, and to provide for the manner of making and collecting assessments therefor.

Twenty-seven. To provide for the deepening, widening, docking, covering, walling, altering or changing the channels of waterways and watercourses, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks, viaducts, subways, tunnels and levees and all work which may be required for the accommodation of commerce, and to control and regulate the use thereof; also to provide for the construction and purchase of all such work or works by the city and for its use and benefit, and for the entire or partial construction, maintenance and ownership of the same by the city, or as tenant in common with any other corporation.

Twenty-eight. To control, regulate or prohibit the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Twenty-nine. To fix the rate of wharfage, storage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States; to license, regulate, control and restrain wharf boats, tugs and other boats used about the harbor or within the jurisdiction of the city.

Thirty. To make and enforce laws for the protection of fish and game within the limits of the city.

Thirty-one. By a two-thirds vote of the whole council to disapprove of any nomination to an appointive office, made by the mayor.

Thirty-two. To appropriate annually, and the council must so appropriate, to the mayor, for his own use, the sum of six hundred dollars, for which he need furnish no vouchers.

Thirty-three. To do and perform any and all other acts and things which are necessary and proper for the execution of the provisions of this charter, including

the power to delegate any of the powers herein conferred; and in addition, to have all powers not in conflict with the Constitution and laws of the United States or of the State of California, or in conflict with this charter or with ordinances adopted by the people.

SEC. 18. The council shall not sell or convey any portion of any water front. No lease or sale of real estate shall be authorized by the council except by ordinance passed by the affirmative vote of three fourths of the members and approved by the mayor; and no lease shall be made for a period longer than ten years except by ordinance adopted by the people.

SEC. 19. The council must, at the time of making the annual tax levy, include therein such rate for school purposes as is elsewhere in this charter provided.

SEC. 20. The council shall appoint from its members a committee consisting of three, to be called the finance committee, and shall fill all vacancies in said committee. The finance committee shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury; and shall have free access to all records, books and papers in public offices or kept by public officials; shall have power to administer oaths and affirmations, to examine witnesses and compel their attendance by subpœna. The finance committee may at any time visit any of the public offices and make examination and investigations therein without hindrance.

The finance committee must, at least once in every six months, examine the official bonds of all city officers and investigate the sufficiency and solvency of the sureties thereon and report in writing the facts to the mayor. Such reports shall specify each bond with the sureties, and the amount for which each surety is bound, and shall state their opinion as to the sufficiency of each amount and the solvency of each surety. Upon such report the mayor shall take such action as may be necessary to protect the interests of the city. He may require new bonds when he deems it necessary and he may suspend any officer until a sufficient bond be filed and approved.

SEC. 21. The finance committee shall have power to examine the records and to examine and expert the books of account of all persons, companies or corporations that are required to pay a portion of their receipts into the treasury; and shall likewise as an aid to the fixing of rates for the furnishing of water, light and power or other service to the city and to the inhabitants thereof, have like power to examine and expert the books of account of any and all persons, companies or corporations so furnishing water, light or other service.

In the exercise of its functions the concurrence of two members shall be sufficient. The finance committee shall keep a record of its proceedings, with the names of the witnesses examined and a substantial statement of the evidence taken. If from their examination it shall appear that an offense has been committed by an officer, or that an officer is in default, the committee shall immediately report to the mayor, who shall take such proceedings against such officer as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the processes of the committee.

SEC. 22. The council shall, by ordinance, determine what officers shall give bonds for the faithful performance of their duties, and shall fix the amount of such bonds; and each of such officers shall, before entering upon the duties of his office, execute a bond to the city in such penal sum as the council, by ordinance, may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this charter ex-officio incumbent. Such bonds shall be approved by the council. All bonds when approved shall be filed with the city clerk, except the city clerk's bond, if any, which shall be filed with the mayor. All the provisions of any law of this State relating to the official bonds of officers as then existing shall apply to such bonds except as herein otherwise provided. Every officer of the city, before entering upon the duties of his office shall take and file with the city clerk the constitutional oath of office.

Chapter III—Initiative and Referendum.

SEC. 23. The basis of the percentage in this chapter provided for any petition shall be the total number of voters appearing on the great register of the County of Alameda, as residing in the City of Alameda at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petitions herein provided for.

SEC. 24. Upon presentation to the council of a petition signed by qualified electors of the city in number equal to ten per cent. of said registered voters asking for submission to the electors of a measure fully set forth in said petition, being a measure that the council might itself adopt, the council itself must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition. But if such petition request the calling of a special election and be signed by qualified electors equal in number to twenty per cent. of said registered voters, then such measure, if not so enacted by the council, must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition.

SEC. 25. If such proposed measure is a measure that the council might adopt except for the fact that it involves the repeal or amendment of a measure adopted

by the electorate, as herein provided, and if in such case said petition be signed by qualified electors in number equal to twenty-five per cent. of said registered voters, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition.

SEC. 26. The method of signing and presenting petitions provided for herein shall be as follows: The signatures to a petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number or residence location. Each paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Petitions shall be filed with the city clerk and by him presented to the council.

SEC. 27. Within ten days from the date of the filing of such petition in his office, the city clerk shall examine the great register and therefrom and from certificates of voters shall ascertain whether or not said petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine.

SEC. 28. If by the clerk's certificate it is shown that the petition has not been signed by the requisite number of qualified electors as herein provided, it may be amended within ten days from the date of said certificate by the further addition of names. The clerk shall within ten days after such amendment make like examination of said amended petition, and if his certificate shall show the same to be insufficiently signed as heretofore provided it shall be returned to the person who filed the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficiently signed as herein provided, the clerk shall present the same to the council without delay.

SEC. 29. After the first special election held hereunder, no special election shall be held under the provisions of this chapter until after the expiration of six months from the date of the holding of a preceding special election.

SEC. 30. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city at any election, the city clerk shall cause the measure to be printed, and he shall send by mail a printed copy thereof to each voter whose name appears on the great register of Alameda County as last printed and published, at least ten days prior to election; but the council may order such measure to be published in the official newspaper of the city in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the measure, as above provided. Ordinances and measures in connection with local improvements, the expenses whereof are to be defrayed by local assessment, shall not come within the operation of this chapter.

SEC. 31. Any measure that the council or the electorate of the city, as herein provided, has authority to adopt, the council may, of its own motion, submit to a vote of its constituent electors at a general or special election.

SEC. 32. Except as herein provided no penal ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment and contracts where the subject matter involved is of less value than one thousand dollars), passed by the council shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the whole council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the council, or as otherwise provided by law.

SEC. 33. If within said thirty days a petition signed by qualified voters of the city, in number equal to ten per cent. of said registered voters, is filed with the city clerk, asking that any penal ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment, and contracts, where the subject matter involved is of less value than one thousand dollars), adopted by the council, be submitted to the electorate, then such ordinance or measure must either be repealed or be submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition, and said petition has been signed by qualified electors of the city in number equal to fifteen per cent. of said registered voters, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall within one year be again submitted except by vote of the council at the next general municipal election, or on a petition signed by twenty-five per cent. of said registered voters. Said petition shall be in all respects in accordance with the provisions hereinbefore specified in this chapter,

except as to the percentage of signers, and shall be examined and certified by the clerk in all respects as heretofore provided.

SEC. 34. If a majority of votes cast by the electors of the city on any ordinance or measure referred to in this chapter shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city ten days after the official count has been determined; otherwise such ordinance or measure shall be repealed or rejected. Such repeal shall take effect ten days after the official count has been determined. No ordinance or measure approved by the electorate under the provisions of this chapter shall be subject to veto, or be amended or repealed except by vote of the electorate.

SEC. 35. If the provisions of two or more measures approved and adopted at the same election, under the provisions of this chapter conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 36. Whenever an applicant for a franchise, or other person, shall pay in advance to the city the expenses of a special election, the council must call such special election as heretofore provided, at which the proposed ordinance shall be submitted to vote of the electors.

ARTICLE III.

EXECUTIVE.

Chapter I—Mayor.

SECTION 1. The chief executive officer of the City of Alameda shall be designated the mayor. He shall be at least thirty years of age. He shall be a qualified elector of the city, and must have been such elector for three years next preceding the day of his election. He shall receive no salary. He shall be elected by the qualified voters of the city at the general city election, and his term of office shall be two years.

He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall be the presiding officer of the council, but shall have no vote. He shall vigilantly observe the conduct of all public offices, and shall take notice of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection and disbursement of the public funds and the control of the public property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. For the purpose of examining into the conduct of any board, commission, committee or other body entrusted with interests pertaining to the city, he shall have the power to call a special meeting of such board, commission, committee or other body.

Any defalcation or willful neglect of duty or official misconduct which he may discover or which may be reported to him shall be laid by him before the council in order that the public interests may be protected, and the person in default be proceeded against according to law.

He shall from time to time give the council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial. He shall have general supervision over all the departments and public institutions of the city, and shall promote, to the best of his ability, the honest, economical and lawful conduct thereof.

SEC. 2. He shall take all proper measures for the preservation of the public order and the suppression of riots and tumults, and in case of emergency shall be vested with command of the chief of police and of the police force, and in such case shall have power to add to the police force as may in his judgment be required.

SEC. 3. The mayor shall appoint all officers, and fill all vacancies not otherwise provided for in this charter, and such appointees shall serve for the unexpired term. All such appointees shall be approved by the council as elsewhere provided. Such appointees shall possess the qualifications prescribed by this charter for their eligibility to the respective offices.

SEC. 4. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part.

SEC. 5. He shall have power to suspend any city officer, appointed or elected, except a member of the council, for dereliction, neglect or non-performance of duty, and shall immediately report his action in writing to the council. If the council, after hearing, approve the suspension, they shall either declare the office vacant or shall continue the suspension for such time as they may deem proper, and such vacancy shall be filled as otherwise provided.

SEC. 6. In the event that the mayor shall be temporarily unable to perform his official duties, the president of the council shall act as mayor pro tempore. Should a vacancy occur in the office of mayor it shall be filled by the council, assembled for the purpose, and said appointee shall hold until the next general municipal election.

Chapter II—Auditor and Assessor.

SEC. 7. An auditor shall be elected at the same time and in the same manner as the mayor. He shall be an elector of the city, and shall have been such for three years preceding his election. He shall hold office for two years. He shall be ex-officio assessor. His compensation for acting in both capacities shall be one hundred and twenty-five dollars per month.

SEC. 8. As auditor he shall keep a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, and on what account and out of what fund payable. He must always know the exact condition of the treasury. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the city and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof upon the demand of the mayor, the council, or any committee.

SEC. 9. He shall keep an account of all moneys paid into and out of the treasury, and the treasurer shall pay no money out of the treasury except upon demand approved by the auditor.

SEC. 10. He shall approve no demand unless the same has been allowed by the officer, board, department or committee required to act thereon.

SEC. 11. Every demand approved by him shall specify on its face each item composing it and the amount and date thereof, and shall be numbered and acted upon in the order of its presentation.

SEC. 12. No demand shall be allowed in favor of any corporation or person in any manner indebted to the city, except for taxes not delinquent, without first deducting the amount of any indebtedness of which he has notice; nor in favor of any person having the collection, custody or disbursement of any public funds, unless his account has been presented, passed, approved and allowed as herein required; nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance or the regulations of the council; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties, and he may refuse to audit the salary demand of any officer or employé for the time he shall have absented himself without legal cause from the duties of his office during office hours. The auditor may examine on oath any person receiving a salary from the city touching such absence.

SEC. 13. Every demand upon the treasurer must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation payable and out of what fund payable. If he allow it he shall endorse upon it the word "allowed," with the name of the fund out of which it is payable, and the date and consecutive number of its allowance, and sign his name thereto.

SEC. 14. He shall have authority to take affidavits and administer oaths necessary in the transaction of all city business.

SEC. 15. As assessor the auditor shall perform all the duties prescribed by this charter, by ordinance or by law, for assessing property in the city for the purpose of taxation. He may appoint deputies in such number and for such time as may be determined by the council, their salaries to be fixed by the council.

Chapter III—City Clerk.

SEC. 16. The council shall appoint a city clerk who shall hold office for two years from the date of his appointment, unless sooner removed by resolution adopted by a majority vote of the whole council. He shall be clerk of the council and shall be the mayor's private secretary; shall keep the corporate seal and all the books, papers, records and other documents belonging to the city the custody of which may not be otherwise provided for. He shall attend all meetings of the council and shall keep a record of its proceedings and a record of its by-laws, ordinances and resolutions, and shall perform such other duties relating to his office as the council may direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall attest by signature all leases and grants of the city. He shall receive a salary to be fixed by the council.

Chapter IV—Treasurer and Tax Collector.

SEC. 17. There shall be a treasurer, who shall be elected in the same manner and at the same time as the mayor, and who shall hold office for four years. He shall be ex-officio tax collector, and shall collect the licenses if so directed to do by the council.

SEC. 18. As treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; and shall do all things required of him by any ordinance of the city.

SEC. 19. He shall pay out money belonging to the city only upon legal demands, allowed and audited in the manner provided by this charter or authorized by law.

SEC. 20. As tax collector he shall perform the duties in this charter and by the general laws of the State provided, and as directed by ordinances and resolutions. His compensation shall be fixed by the council.

SEC. 21. Whenever not in conflict with the Constitution of this State, it shall be permissible, in the following manner, to abolish provision for the election of a treasurer:

An ordinance may be adopted by the vote of the electorate, under the form and restrictions elsewhere in this charter provided, abolishing the provision in this chapter for the election of a treasurer, and for the salary thereof, and substituting in lieu thereof a provision for the appointment of a bank or banks to act as depositary or depositaries of the funds of the city. Such ordinance must provide due safeguards for the proper keeping and disbursement of the funds of the city. It may also name the salary of the official who shall thereafter be elected tax collector; and shall provide that such tax collector shall make daily deposit in the proper depositary, of all sums collected by him as tax collector. Such ordinance may be drawn to cover, supersede and repeal all the provisions of this chapter. It shall not take effect until the close of the term for which the treasurer then in office has been elected.

Chapter V—Street Superintendent.

SEC. 22. The street superintendent shall have the general care of the streets, boulevards, parks, plazas, playgrounds and wharves of the city and it shall be his duty to frequently inspect the same. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions. He shall receive a salary to be fixed by the council.

SEC. 23. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction; inspect and approve or reject all materials used in such construction, whether done under contract or otherwise; and shall at once report to the council all deviations from contracts, and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance or by direction of the council. He shall devote his entire time to the duties of his office.

SEC. 24. He shall be appointed by the council, and shall serve for a period of two years.

Chapter VI—City Engineer.

SEC. 25. It shall be the duty of the city engineer to make all surveys, inspections and estimates required by the council. He shall receive a salary to be fixed by the council, and such fees as may be established by ordinance.

SEC. 26. He shall examine all public work done under contract, and report thereon in writing to the council.

SEC. 27. He shall on application of any person owning or interested in real property in the city, for a survey or plat of such property, make and deliver the same upon the payment of his fee therefor.

SEC. 28. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office, and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

SEC. 29. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work made or done by him, or under his direction or control during his term of office for the city, shall be the property of the city.

SEC. 30. He shall perform such other duties as are prescribed by this charter or as may be imposed by ordinance or by direction of the council.

SEC. 31. He shall be appointed by the mayor with the approval of the council, as elsewhere provided, and shall serve for a period of two years.

ARTICLE IV.

JUDICIAL AND LEGAL.

Chapter I—Police Court.

SECTION 1. The judicial power of the city shall be vested in a police court to be held by the police judge of the city. Said police court shall have jurisdiction concurrently with the justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of the city, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of Alameda County, from all judgments of said police court, in like manner and with like effect as in cases of appeals from justices' courts.

SEC. 2. The police judge shall be judge of the police court and shall have the powers and perform the duties of a magistrate. He may administer and certify

oaths and affirmations, and take and certify acknowledgments. He shall receive for his services a salary to be fixed by the council, and in addition thereto, shall be entitled to charge and receive such fees as are or may be allowed by law to justices of the peace for like services in civil actions.

SEC. 3. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in any justice of the peace residing in the county.

SEC. 4. The police judge must be an attorney-at-law, duly admitted to practice by the Supreme Court of the State. He shall be elected in the same manner and at the same time as the mayor and shall hold office for four years.

SEC. 5. The foregoing provisions of this article shall not take effect until the council shall deem it necessary or expedient to establish a police court, as above provided for, and shall by ordinance so declare and establish the same. Until the council shall so ordain, the provisions of the general laws of the state applicable to city justices of the peace shall be and continue in full force and effect.

Chapter II—City Attorney.

SEC. 6. There shall be a city attorney who shall be appointed by the council, and who shall have been an elector of the city for at least four years next before his appointment, and shall be an attorney and counselor-at-law duly admitted to practice by the Supreme Court of the State, and shall have actually been engaged in the practice of his profession for a period of at least four years next before his appointment, and whose term of office shall be two years and until his successor is appointed and qualified. It shall be his duty to prosecute on behalf of the people all criminal cases before the police court and justices of the peace, for all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party or in which the city may be legally interested. He shall be in attendance at every meeting of the council unless excused therefrom; and shall give his advice or opinion in writing whenever required by the council, board of education or other city officers. He shall be the legal advisor of all city officers; he shall approve the form of all bonds given to and all contracts made with the city; he shall, when required by the council or any member thereof, draft any and all proposed ordinances for the city and amendments thereto; and he shall do and perform all such things touching his office as the council or mayor may require of him, and shall, at the expiration of his term, surrender all books, papers and documents pertaining to the city's business over to his successor. He shall receive a salary to be fixed by the council.

ARTICLE V.

FINANCE AND TAXATION.

Chapter I—Levying of Taxes.

SECTION 1. On or before the second Monday of May in each year the heads of departments, offices, boards and commissions of the city shall send to the council an estimate in writing of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, offices, boards and commissions for the fiscal year next ensuing, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the auditor.

SEC. 2. On or before the first Monday of June in each year the auditor shall transmit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for all outstanding funded debts, and the wants of all the departments of the municipal government in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

SEC. 3. The council shall have power, and it shall be their duty to provide by ordinance, a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this charter, which system shall conform, as nearly as the circumstances of the case may admit, to the provisions of the laws of this State in reference to the assessment, levy and collection of state and county taxes, except as to the time for such assessment, levy and collection;

Provided, that taxes on real property shall be due and delinquent at the same time that state and county taxes are now due and delinquent.

SEC. 4. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment shall attach as of twelve noon, on the first Monday in March of each year, and shall not be satisfied or discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

SEC. 5. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of State and county taxes levied in Alameda County. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and county taxes in said county;

Provided, that the council may, by ordinance, regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed; and such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of collections of State and county taxes in said county.

SEC. 6. All sales for delinquent taxes shall be made to the City of Alameda, unless otherwise regulated by ordinance.

SEC. 7. The council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

SEC. 8. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city, under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the State when offered for sale for State and county taxes, and the council shall have the same powers and duties in relation to such property as are given by law to the State Board of Equalization in case of a sale to the State, but no certificate or receipt need be delivered to the State Controller.

SEC. 9. No officer shall be required to send or transmit any statement or report to any State officer or board.

SEC. 10. All papers and instruments required to be filed or recorded with or by the county recorder by the revenue or taxation laws of this State, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the county recorder of Alameda County.

SEC. 11. Whenever the council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high school building, sewer, property, water right, bridge, canal, tunnel or other public improvement, or utility, the cost of which in addition to the other expenditures of the city will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose and proceed therein as provided in the constitution of this State and the general law or laws thereof, now or hereafter in force.

SEC. 12. Except as otherwise provided in this charter no money shall be drawn from the treasury unless in consequence of appropriations made by the council and upon warrants duly drawn thereon by the auditor.

SEC. 13. No warrant shall be drawn except upon an unexhausted specific appropriation.

SEC. 14. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract as certified by the board or officer making the same. This provision shall not apply to work done or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract by public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remain unapplied and unexpended such amount so specified by the officer making the contract, and thereafter shall hold and retain such sum to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish monthly, and oftener if requested, to the head of each department a statement of the unexpended balances of the appropriation for such department.

SEC. 15. The amount of the tax levy shall be sufficient to provide for the payment during the fiscal year, of all demands upon the treasury authorized to be paid out of the same; but such levy exclusive of the tax to pay the interest and maintain the sinking funds of bonded indebtedness of the city, and exclusive of the tax to pay for street and sewer work and to pay for the maintenance and improvement of the parks, squares and public grounds of the city shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The council in making the levy shall apportion the taxes to the several funds.

SEC. 16. The limitation in the section last preceding shall not apply in case of any great necessity or emergency. In such case the limitation may be temporarily suspended, so as to enable the council to provide for such necessity or emergency. No increase over the dollar limit shall be made in the rate of taxation authorized to be levied in any fiscal year, unless such increase be authorized by ordinance adopted by vote of the people or passed by a three-fourths vote of the council and

approved by the mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the journal of the board. Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law or which cannot be paid out of the income and revenue provided, collected and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

SEC. 17. The council shall, subject to the provisions of this charter, fix the amount of municipal revenues and provide by ordinance for the collection thereof. They shall, from time to time, provide for the payment of the interest and principal of the bonds for which the city is liable.

SEC. 18. The council shall authorize the disbursement of all public moneys except as otherwise specifically provided in this charter.

SEC. 19. At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands fully adjudicated, the council shall direct the treasurer to transfer all surplus moneys to the general fund, except such surplus moneys as are in the several interest and sinking funds, in the school fund, in the library fund and in such other funds the disposition of whose surplus moneys is in this charter otherwise provided for.

SEC. 20. The assessment of property within the city made by the county assessor of Alameda County and the State Board of Equalization may be the basis of taxation of the city, unless the council on or before the fourth Monday of July in any year, shall, by ordinance, elect to have an independent assessment made by the city assessor for such year; in which event such ordinance shall prescribe the time within which such assessment shall be made, and the method of making the same, and shall provide for such clerical assistance as may be required to properly prepare such assessment.

SEC. 21. Should any property in the city, however, not be assessed by the county assessor, the city assessor shall assess and enter the same in the "Subsequent Assessments" provided for in the next section.

SEC. 22. It shall be the duty of the assessor at any time subsequent to the first Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head "Subsequent Assessments," and shall deliver a true copy thereof, duly certified by him, to the city clerk, to be by him compared with the entries on the assessment roll.

SEC. 23. The council shall meet at the usual place of holding meetings on the first Monday of September of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been received. They shall have power to hear complaints, and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. They may also, partially, or wholly, relieve from taxation any improvements, structures or fixtures used exclusively for manufacturing, erected or placed in the city subsequent to the first day of January, 1906; *Provided*, that no particular property shall be exempt from taxation for more than two years.

SEC. 24. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which said tax is to be levied in said year.

Chapter II—The Several Funds.

SEC. 25. The income and revenue paid into the treasury shall be at once apportioned to and kept in separate funds, one of which shall be designated the general fund, and which shall consist of money received into the treasury not specifically apportioned to any other fund.

SEC. 26. Except as otherwise provided in this charter, any moneys remaining at the end of any fiscal year in any interest and sinking fund or in a fund provided by a special bond issue for a specific purpose, the school fund, the library fund and the electric fund, shall be carried forward and apportioned to the respective funds for the ensuing year.

SEC. 27. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money applicable to its payment, may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue when collected.

Chapter III—The Custody of Public Moneys.

SEC. 28. All moneys arising from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or from any department of the city, for the performance of any official duty, and all moneys accruing to the city from any source, and all moneys directed by law or by this charter to be paid or deposited in the treasury, shall be paid into the treasury. All officers or persons collecting or receiving such moneys must pay the same into the treasury daily.

SEC. 29. No salaried officer, except as otherwise provided in this charter, shall receive or accept any fee, payment or compensation either directly or indirectly for any services performed by him in his official capacity, or any fee, payment or compensation for any official service performed by any of his deputies, clerks or employés, whether performed during or after official business hours. No deputy, clerk or employé of such officer shall receive or accept any fee, compensation or payment other than his salary as now or hereafter fixed by law, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

SEC. 30. Every fee, commission, percentage, allowance or other compensation authorized by law to be charged, received or collected by any officer for any official service, must be paid daily by the officer receiving the same, to the treasurer, except as otherwise provided in this charter. The treasurer shall place the same to the credit of the general fund.

SEC. 31. The auditor or other proper officer must deliver from time to time to the treasurer, and to every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, for the performance of any official service of duty, as many official receipts as may be required, charging therewith the treasurer or other officer receiving them. Such receipts must be bound into books containing not less than one hundred such receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with receipt. When the books containing receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the auditor or other proper officer, in whose custody they shall remain thereafter.

SEC. 32. When a receipt as herein provided is issued by the treasurer or other officer, he must state therein the date of payment, the name of the person making the payment, and the amount of such payment, the nature of the service for which the charge is made, and the name and official disignation of the officer performing the service, and shall make corresponding entries on the stub of each receipt.

SEC. 33. On the first day of each month the treasurer, tax collector and city marshal, and every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, must make to the auditor a report under oath of all moneys received by him during the preceding month, showing the date and number of the receipt on which the money was received, the amount of each payment, by whom paid, the nature of the service, and the name and official designation of the officer performing the service. At the same time, or oftener, if required by the auditor, each officer above named shall exhibit to the auditor all official receipts received by him during the preceding month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month.

SEC. 34. The demand of the auditor for his monthly salary shall be audited and allowed by the mayor. All other demands on account of salaries fixed by law, ordinance or this charter, and made payable out of the treasury, may be allowed by the auditor without previous approval. All demands payable out of any fund in the control of any board, commission or committee, before they can be allowed by the auditor or paid, must be regularly approved by such board, commission or committee. All demands on the treasury for salaries, wages, compensation of deputies, clerks, assistants or employés in any office or department must, before they can be audited or paid, be first approved in writing by the officer, board or department of authority under whom or in which such demand originated. All other demands payable out of any fund in the treasury must, before they can be allowed by the auditor or paid, be approved by the department, board or officer in which or with whom the same have originated, and in all such cases must be approved by the council, and if for more than two hundred dollars, also by the mayor.

SEC. 35. Every demand against the city shall, in addition to the other entries and endorsements upon the same required by this charter show: 1. The ordinance or authorization under which the same was allowed. 2. The name of the board, department or authority authorizing the same. 3. The fiscal year within which the indebtedness was incurred. 4. The appropriation provided to meet the demand. 5. The name of the specific fund out of which the demand is payable. Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided, collected and paid into the proper specific fund in the treasury for the fiscal year within which the indebtedness was incurred.

ARTICLE VI.

PUBLIC SCHOOLS AND LIBRARIES.

Chapter I—Board of Education.

SECTION 1. The government of the school department of the city shall be vested in a board of education, to consist of five members, to be called school directors, who shall receive no compensation. They shall be appointed by the mayor, subject to approval by the council as provided in Article II, Section 17, subdivision 31, and shall hold office for the term of five years and until their successors have been appointed and qualified; *provided*, that the directors first appointed shall, at their first meeting, so classify themselves by lot that they shall respectively go out of

office at the expiration of one, two, three, four, and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment by the mayor in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected and qualified.

SEC. 3. The board shall hold regular meetings at least once in each month, and at such other times as it may determine by its rules. Special meetings may be called at any time by its president; and the president shall call a special meeting at any time when requested in writing so to do by any two members. It shall establish rules for its proceedings. The presence of a majority of its members shall be necessary for the transaction of business. In every instance where a power is exercised by the board under this article the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except otherwise provided in this charter.

SEC. 4. In addition to the powers and duties prescribed by the general laws of the State, the board of education shall have power:

One. To establish and maintain public schools in the City of Alameda, including kindergarten, primary, grammar, high, technical, evening and physical and manual training schools, and to change, consolidate and discontinue the same as public welfare may require.

Two. To manage and control the school property.

Three. To employ, pay, promote, transfer and dismiss such teachers and persons and at such times as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient reasons the whole or part of the salaries or compensation of any person or persons employed as aforesaid.

Four. To make, establish and enforce all necessary rules and regulations for the government, efficiency and progress of the schools.

Five. To establish and regulate the grade of schools and adopt a course of study, not in conflict with that prescribed by higher state authority.

Six. To provide the school department with all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

Seven. To build, repair, alter, rent and provide school houses and to furnish them with proper furniture, apparatus and appliances, and to insure any and all school property against loss by the elements.

Eight. To recommend and arrange for the purchase, sale, lease and exchange of school lots and other school property for the City of Alameda; to take charge of any and all real estate and personal property which may have been or may hereafter be acquired for the use and benefit of the public schools of the city; *provided*, that no real estate shall be bought, sold or exchanged without the consent of the council or of the people evidenced by ordinance; *and, provided further*, that the proceeds of any such sale of real estate or of personal property shall go into the school fund of the city.

Nine. To sue and to prosecute and defend actions at law or in equity in the name of the board of education, and to employ counsel therefor in case the city attorney be disqualified or unable to act. Service of process upon the president or upon the majority of the members of the board shall be sufficient to give jurisdiction.

Ten. To establish regulations for the proper use, application and manner of disbursing for school purposes only, all moneys belonging to the school fund, subject to the forms and methods of accounting required by the city auditor.

Eleven. To admit non-resident children to any department of the public schools at their discretion, upon the payment as the board may direct, of tuition fees to be fixed by the board; *provided*, that said fees shall not be less than the cost per capita per pupil.

Twelve. To admit, and it shall be their duty to admit adults to free tuition in evening schools, but no child under the age of twelve shall be admitted to such schools.

Thirteen. To employ and dismiss school census marshals, and to fix, alter, allow and order paid their compensation.

SEC. 5. The board of education shall appoint a superintendent of schools, whose term of office shall be four years, unless sooner removed by a four-fifths vote.

SEC. 6. In any investigation by the board into matters connected with the school department, the president of the board of education is vested with the power of issuing subpœnas, and the board can compel the attendance of witnesses and the production of documentary and other evidence. The president and each member of the board is vested with the power of administering oaths or affirmations in all matters pertaining to the school department.

SEC. 7. No teacher shall be elected to a position in any of the public schools of the city unless he or she be a properly accredited graduate of either a California State Normal School, the University of California, the Leland Stanford Junior University, or of an institution of equal rank, or who has had at least two years' successful teaching experience.

Chapter II—Superintendent of Schools.

SEC. 8. It shall be the duty of the superintendent to give his full time to the duties of his office as the same may be prescribed by law, by this charter and by the board of education. His compensation shall be fixed by the board of education. He shall be ex-officio secretary and shall act as bookkeeper for the board without pay as such. He shall keep his books and accounts in conformity with the requirements of the auditor.

SEC. 9. There shall be appointed by the board an assistant secretary, at a salary to be fixed by the board. The secretary and assistant secretary shall each have power to administer oaths and affirmations in matters connected with the school department.

SEC. 10. The superintendent shall attend all sessions of the board and shall report to the board upon such subjects and in such detail as may be required by the board, or as he may deem for the interest of the department.

Chapter III—School Finances.

SEC. 11. It shall be the duty of the board of education to fix and determine annually the amount of school tax necessary for the establishment, support and maintenance of the public schools of the city and for the carrying into effect all provisions of law regarding the same; and in pursuance of this provision the board shall on or before the second Monday in May of each year, submit in writing to the council an estimate of the whole amount of money to be received from the State and county, and an itemized estimate of the amount to be required from the city for the above mentioned purposes; and the amount so found to be required from the city shall, by the council, be added to the amounts otherwise provided by them to be assessed and collected for city purposes, and when collected the proceeds thereof shall immediately be paid into the school fund of the city, to be drawn out only on order of the board of education as herein provided; *provided*, that such annual tax shall not, for high school purposes, exceed the sum of fifteen cents, and for all other schools, the sum of twenty cents, on each one hundred dollars of the assessed valuation of the real and personal property within the city, to be exclusive of all taxes levied for the purpose of paying principal and interest on bonded indebtedness.

SEC. 12. All claims against the school department which shall have been allowed by the board of education in the manner and form prescribed by it, this charter and the auditor, shall be paid by the treasurer upon warrants ordered drawn by the board of education, signed by its president and secretary and by the auditor, from the proper designated fund of school moneys; *provided*, that the board of education shall not have power to create any debts or liabilities in any one year to exceed the available funds of that year, under the control of the board of education and justly applicable for school purposes for such year; *provided further*, that in case of disaster from fire, water, riot, earthquake or public enemy the board of education may, with the approval of the mayor and council, incur extraordinary expenses for the repair, construction and furnishing of school houses, in excess of the annual limit provided by this charter, and the council may, by ordinance, cause to be transferred to the school fund from the general fund sufficient moneys to pay the same.

SEC. 13. The board shall cause to be prepared in July of each year, a detailed tabulated statement showing the income and expenditures of the department, and such other information as to employés, attendance, etc., and general condition of the schools as will fully show the work accomplished by the department during the previous year.

Chapter IV—Teachers' Annuity Fund.

SEC. 14. The provisions of this chapter shall take effect upon and after a referendary vote has been taken thereon, and the majority of the qualified electors voting thereon have voted therefor.

SEC. 15. It shall be the duty of the council to provide annually for the levy and collection of a tax of five mills on each one hundred dollars of taxable property in the city. The proceeds of this tax shall be set apart in the city treasury in a fund to be known as the Teachers' Annuity Fund, and said fund shall be drawn upon for no purpose other than the purposes in this chapter designated.

SEC. 16. Subject to the provisions of this charter the board of education shall have control of the disbursement of this fund and said board is empowered to receive donations and bequests to said fund, which donations and bequests, if in money, it shall immediately on receipt thereof, deposit in the city treasury to the credit of the fund.

SEC. 17. Any teacher who shall have served thirty years in the public schools of this city shall be entitled to retire from service and to become an annuitant under the provisions of this chapter. Any teacher who shall have served twenty-five years in the public schools of this city, and who shall, by the board of education, have been discharged from service by reason of incapacity shall be entitled to become an annuitant.

SEC. 18. Any person who, under the provisions of this chapter, shall be entitled to become an annuitant, shall be entitled to receive, subject to the provisions hereinafter set forth, such sum per month as shall equal fifty per cent. of the average salary paid to said teacher during the last ten years of his or her term of service in the public schools of the City of Alameda.

SEC. 19. Whenever there shall be in the teachers' annuity fund a sum sufficient therefor the board of education shall cause to be drawn on said fund warrants in payment of annuities to all annuitants entitled to receive the same. In case there be not sufficient money with which to make one month's payment of all the annuities otherwise due and payable to said annuitants, then the board of education shall defer the drawing of the warrants aforesaid, until such time as there shall be in said fund sufficient money to pay the same.

Chapter V—Free Library.

SEC. 20. The Alameda Free Library shall be under the management of a board of five directors, to be known as the board of library trustees, and who shall serve without compensation. They shall be appointed by the council, and shall hold office for the term of five years and until their successors have been appointed and qualified; *provided, however*, that the trustees first appointed shall at their first meeting so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, four and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

SEC. 21. The board shall organize within one week after the first appointment and annually thereafter, by electing one of its number president. It shall also elect a secretary, who shall hold office during the pleasure of the board.

SEC. 22. The board shall appoint a librarian and such other employés as may be necessary, and fix their compensation and may remove them at their will.

SEC. 23. The board shall have full charge, management and control of the library and of all the real and personal property thereto belonging, or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the gift, devise or bequest, or with this charter. Regular meetings shall be held once in each month, and special meetings may be held as the board may determine. A majority of its members shall constitute a quorum.

SEC. 24. The board shall have power:

One. To make and enforce such rules, regulations and by-laws as may be necessary for the administration, government and protection of the library and all the property thereto belonging or in its custody.

Two. To administer any trust declared or created for such library.

Three. To purchase any and all real and personal property necessary for the purposes of the library, and to repair, sell, or otherwise dispose of personal property.

Four. To draw warrants, duly certified by the president and secretary on the library fund, to pay authorized expenditures, which warrants, when duly audited, the treasurer shall pay out of said fund; and generally to do and perform all acts necessary for the proper carrying into effect of the provisions of this charter with reference to the library.

Five. To establish, maintain or discontinue such branches of the library as the board may deem best.

SEC. 25. The board shall, annually, on or before the first Monday of July of each year, make a report to the mayor and council giving a full statement of the condition of its trust, and a statistical resumé of all matters pertaining to the library property and management occurring during the previous year, and shall, on or before the second Monday of May in each year, recommend such tax levy or other matter pertaining to the library as to them may seem necessary or of interest.

SEC. 26. There shall be levied by the mayor and council, and collected as in other cases, annually, a tax not exceeding one mill on the dollar of the assessed value of taxable property in the City of Alameda for the purposes of the library.

SEC. 27. All money and revenue derived for the use of the library, from whatever source, shall be paid into the city treasury and be known as the library fund, which shall be kept separate from all other funds and which shall be drawn upon and used only for the purposes of the library as herein authorized.

ARTICLE VII.

POLICE AND FIRE.

SECTION 1. The police and fire departments shall be under the management of a board of three commissioners to be appointed by the mayor from among the qualified electors of the city, subject to approval by the council as elsewhere provided. They shall hold office for the term of four years, except the first board appointed. They shall be the head of the police and fire departments.

SEC. 2. The commissioners shall enter upon their duties within thirty days after their appointment, and they shall organize as a board by electing one of their number president. At the first meeting of the board the commissioners shall, by lot, so classify themselves that one of their number shall hold office for a term of two years, one for a term of three years and one for a term of four years. The board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employés; and may require bonds from its subordinates for the faithful performance of their duties.

SEC. 3. The board shall hold regular meetings at least once a month and special meetings at such other times as it may appoint, or of which the president may give

notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon the records of the board, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks in the office of the board. The meetings of the board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.

SEC. 4. The board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length and the record shall be approved by the board.

SEC. 5. The officers, members and employés of the police and fire departments shall be appointed by the board; but no appointment or removal shall be made by the board for political purposes, nor shall any removal be made except for cause established to the satisfaction of the board, after due investigation or trial. The salaries of officers, clerks, and employés of the board except so far as the same are otherwise designated in this charter, shall be fixed from time to time by the council in its discretion on recommendation of the board.

SEC. 6. The board shall have power:

One. To prescribe the qualifications, duties, badges of office and uniforms of officers, members and employés of said departments.

Two. To prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for their violation.

Three. To hear and determine all complaints of misconduct, inefficiency, violation of the rules and regulations, or other charge against any officer, member or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline and efficiency of said departments.

Four. To appoint and remove at their discretion special policemen, who shall be under the supervision and control of the chief of police; *provided, however*, that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the mayor.

Five. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said board by this charter, or by any ordinance passed pursuant thereto, or by the constitution and laws of this state, and in general to manage and control said departments.

SEC. 7. The board shall have the custody and control of all property, buildings and equipments now or hereafter used by or belonging to said police and fire departments.

SEC. 8. The board shall annually report to the council an estimate of the amount of money that will be required to pay all salaries and expenses of the police department and of the fire department for the ensuing year, specifying in detail the proper items for which the same will be required.

SEC. 9. The board shall make semi-annual reports to the council of its acts and expenditures, and also of the condition of said departments.

SEC. 10. The board shall determine and report to the council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional houses, apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required; but the action of the board with respect to the necessity of these matters shall be only advisory to the council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the council. All contracts let and work ordered for said departments shall be let and ordered by the council; and the board shall see that the same are faithfully carried out and performed; *provided, however*, that the board shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of one hundred and fifty dollars the bills for such urgent repairs to be ordered paid by the council.

SEC. 11. First. The police department shall consist of a chief of police, who shall be the executive head of the police department, and such sergeants, detectives and patrolmen as may be necessary, not exceeding in the aggregate, on the regular force, one to every one thousand inhabitants of the city.

Second. The employés of the fire department shall consist of a chief engineer, who shall be the executive head of the fire department, and such number of assistant engineers, fire wardens, and other employés as the council may, by ordinance, authorize on recommendation of the board.

SEC. 12. Any officer, member or employé of the police or fire departments, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member or employé, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member or employé; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and disbursed under such regulations as the board may adopt, for the benefit of the sick and disabled members and the families of deceased members of the department of which the offender may be an officer, mem-

ber or employé. The board shall render to the council a verified itemized account of all moneys so received and disbursed during the preceding year.

SEC. 13. In all investigations or trials conducted by said board, the president thereof shall have the power to issue subpœnas for and compel the attendance of witnesses and the production of papers before it. Such subpœnas shall be served by any policeman. Any member of the board may administer oaths and affirmations in the conduct of said investigations.

SEC. 14. The officers and employés of both the police and fire departments, employed by the city at the time of the adoption of this charter, shall be retained in their several positions, unless removed for cause as hereinbefore provided.

ARTICLE VIII.

HEALTH.

SECTION 1. There shall be a health department under the management of a board of health. Said board of health shall consist of five members who shall be appointed by the council, and of whom four shall be physicians, duly licensed under the laws of the State of California. One may be appointed from among the councilmen.

The members of the board, as such shall serve without compensation. They shall hold office for the term of five years and until their successors are appointed and qualified; *provided*, that the members of the board first appointed shall at their first meeting so classify themselves that they shall go out of office at the expiration of one, two, three, four and five years respectively.

SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected.

SEC. 3. Regular meetings of the board of health shall be held at least once each month, and special meetings when called by the president or by any two members, and all meetings shall be public.

SEC. 4. Said board of health shall have supervision of all matters appertaining to the sanitary condition of the city and the public institutions thereof, and full powers are hereby given to said board over all questions of foul drainage, and the disinfection and sanitary cleaning of streets, alleys, cellars, cesspools, sewers, or nuisances of any description, and of places within the city limits so situated as to receive and retain unhealthy deposits.

SEC. 5. The board of health shall exercise a general supervision over and be the custodian of all the death records now belonging to the city, and they shall cause to be kept in books prepared for the purpose, complete records of all deaths and the causes thereof, and shall also keep a record of all births occurring in the city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable, vital and mortality statistics in the city, and to prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and by the consent of the council may provide and maintain ambulances and may establish a pest-house and provide the necessary attendants and supplies therefor.

SEC. 6. The council may, by ordinance or otherwise, make and enforce such orders and regulations as the board of health may from time to time recommend; and all expenses necessarily incurred by the board of health in carrying out the provisions of such orders and regulations shall be provided for by the council.

SEC. 7. The sum in the annual budget for the city tax levy apportioned by the council for the use of the health department shall be deposited in the city treasury as a fund to be known as the health department fund. Said fund shall be under the exclusive control of the board of health, subject to such restrictions as are provided in Article III, Chapter II of this charter.

SEC. 8. The board of health, within two weeks from the time of its organization, shall elect a city physician, who shall also act as health officer and secretary of the board of health. He shall receive such compensation for all his services as may be fixed by the board of health. He shall not be a member of the board of health. He shall be an elector of the city and a duly licensed physician under the laws of the State of California, and actually engaged in the practice of his profession therein. He shall hold his office during the pleasure of the board and must see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health, as well as all the records appertaining thereto. He shall have the powers of a police officer, and shall make an extended annual report to the board of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

SEC. 9. The city physician shall attend, when called upon, the indigent sick or wounded in the city, and shall have charge of any receiving hospital or dispensary established for the benefit of emergency cases and the sick poor, and when deemed necessary by the board of health, he may employ nurses to assist him in the care of the sick or wounded.

SEC. 10. The city physician, as health officer, shall visit, once in each quarter, all public buildings and school houses in the city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

SEC. 11. The city physician, as health officer, shall promptly report in writing to the city superintendent of schools the name and residence of every person sick with any infectious or contagious disease. Said city superintendent of schools, when so notified, must refuse admittance to the schools of any member of a household one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, or from the health officer, that there is no longer any danger from infection or contagion.

SEC. 12. When a case of infectious or contagious disease is reported to the city physician, he may visit the premises where the person is, and, when satisfied that said disease exists, he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the said disease on said premises.

SEC. 13. The city physician may cause to be removed to a hospital any person in the city affected with smallpox, and may, with the consent of the board of health, cause to be removed to a hospital any person affected with any infectious disease. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pest-house, the health officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

SEC. 14. The city physician shall vaccinate, free of charge, all poor persons applying to him.

SEC. 15. Within two weeks from the time of its organization, the board of health shall appoint a veterinarian and food inspector, and may from time to time appoint additional food inspectors, whose duties shall be prescribed by the board and who shall hold office during the pleasure of the board, and shall receive such compensation as may from time to time be fixed by the board. The veterinarian shall be duly licensed under the laws of the State of California.

SEC. 16. The board of health within two weeks after its organization shall appoint a sanitary inspector, who shall be a skilled and practical plumber, an elector of the city and a resident therein for not less than one year. His duties shall be prescribed by the board of health. He shall be clothed with the powers of a police officer and hold his office during the pleasure of the board of health. His salary shall be fixed by the board of health.

SEC. 17. Every member of the board of health and the health officer may administer oaths on matters connected with the health department.

ARTICLE IX.

PUBLIC UTILITIES.

Chapter I—Department of Electricity.

SECTION 1. There shall be a department of electricity which shall be under the management and control of a board of three commissioners, to be known as the board of electricity. They shall receive no compensation. They shall be appointed by the mayor, subject to the approval of the council as elsewhere provided, and shall hold office for three years, and until their successors are appointed and qualified; *provided, however*, that the members first appointed shall at their first meeting so classify themselves by lot that they shall go out of office in one, two and three years, respectively, after their appointment. They shall be electors of the city. They shall have charge of the construction and maintenance of the electric light and power works, now owned by the city, of the fire alarm and police telegraph and telephone systems and of such telegraph and telephone systems as the city now owns or may hereafter own or control. They shall organize within one week after the first appointment, and annually thereafter, by electing one of their number chairman, whose term of office shall be one year and until his successor has been elected. The city clerk shall act as secretary of the board and shall keep the minutes and records thereof.

SEC. 2. The board of electricity shall hold regular meetings at least once in each month, and at such other times as it may determine. Special meetings may be called at any time by any member, due notice in writing being given to the other members. Its meetings shall be open to the public.

SEC. 3. In every instance when a power is exercised by the board of electricity under this charter, the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except as otherwise provided herein.

SEC. 4. The board of electricity shall cause to be kept a proper and comprehensive system of accounts, in such form as shall be approved by the auditor, showing in detail the receipts from all sources and showing in segregation the expenditures for running expenses, betterments and purchase of new machinery.

SEC. 5. Subject to the restrictions elsewhere in this charter expressed, the board of electricity shall have power:

One. To manage and control the property of the city appertaining to the electric department; and to superintend the construction, maintenance and improvement of the electric plant, the management, sale and distribution of power, light and heat and the collection of rates for the same.

Two. To purchase all machinery, materials, fuel and supplies necessary for the maintenance and efficient operation of the department.

Three. To employ, pay, transfer and dismiss such employés of the electric department and at such times as in their judgment may be necessary; to fix, alter and improve their salaries and compensation, to withhold for good and sufficient cause the whole or any part of the salaries or compensation of any person employed by them; to make, establish and enforce all necessary regulations for the efficiency of the department.

SEC. 6. The board of electricity shall present to the council annually in each year a detailed report for the year ending June 30, which shall show the amount of money received from all sources, and the balance on hand. The report shall show in segregation the amounts expended for salaries and other running expenses, betterments, purchase of machinery and any other subdivision required by the auditor. It shall also give a complete inventory of the property under the control of the board, together with an itemized statement of the cost, condition and present value thereof; with such other information and suggestions as the board may deem of general interest. The board of electricity shall also make to the council regular monthly reports of the receipts and expenditures for the preceding month, segregating the items of expenditure as above provided.

SEC. 7. On or before the second Monday in May in each year the board of electricity shall submit to the council an estimate of the income which may be expected to be derived during the ensuing fiscal year from the sale of electric current, and an estimate of the amount which in their judgment will be needed from the city for betterments, repairs and running expenses, including the expense of lighting the public streets and buildings of the city, the cost of the current for the fire alarm system and such other public use as they may estimate will be required and recommend a rate to be charged.

SEC. 8. All moneys apportioned by the council for use of the department of electricity, together with all moneys collected by the board of electricity, shall be set apart in a fund to be known as the electric fund, which fund shall be drawn on only by order of the board of electricity except as otherwise provided in this charter.

SEC. 9. The board of electricity shall not have power to create any debts or liabilities in any one year to exceed the actual revenue or available means in the city treasury under their control; *provided*, that in case of disaster, fire, riot, earthquake or public enemy the board may, with the approval of the mayor and council, incur extraordinary expenditures; and the council may by ordinance cause to be transferred to the electric fund from the general fund sufficient moneys to pay the same.

SEC. 10. All moneys collected by the board of electricity from any source shall be by them deposited with the city treasurer or city depository on the same day on which they are collected, and in such manner as shall be prescribed by the auditor.

SEC. 11. The rates to be charged for electric light, power and heat shall be fixed annually by the council.

SEC. 12. No part of the money in said electric light fund shall be used for any purpose other than the following:

One. The council at the time of fixing the general tax levy shall apportion from said fund an amount sufficient to meet all payments coming due, as principal or interest, on all outstanding electric light works bonds, before the time of fixing the next general tax levy, and the money so apportioned shall be used to meet such payments and for no other purpose.

Two. For the necessary expenses of conducting the electric department, operating the works and making the repairs, extensions and betterments necessary to meet the requirements of the city and other consumers.

SEC. 13. Every demand on the electric fund shall be signed by two members of the board and attested by the signature of their secretary, giving the date of its approval.

SEC. 14. All contracts for supplies, materials, machinery or construction work where the amount to be expended exceeds five hundred dollars shall be advertised and awarded to the highest bidder, except that the board may determine to reject all bids.

SEC. 15. Whenever the City of Alameda shall acquire any public utility under the provisions of this charter, the mayor shall provide for the control and operation of said utility by the appointment of a board of three commissioners, and their duties and powers shall be prescribed by ordinance on lines similar to those provided in this charter for the government and control of the board of electricity.

ARTICLE X.

ALCOHOLIC LIQUORS.

SECTION 1. It shall be unlawful for any person, firm or corporation to establish, open, keep, maintain or carry on within the City of Alameda any saloon,

bar, store, dramshop, tippling place, stand or any place where spirituous, malt or fermented liquors or wines or any admixture thereof, are sold or given away, or for any person, firm or corporation (except as hereinafter provided) to sell or barter or give away within the limits of the city any spirituous, malt or fermented liquors or wines or any admixture thereof, without having permission pursuant to an ordinance of the council or people, as provided in this article. The provisions of this article shall not apply to the sale or dispensing of the said liquors, or any of them, by a regularly and duly licensed pharmacist, in the course of his business as a druggist, for medicinal purposes, at his drug store, when the same are sold or dispensed upon a prescription of a duly and regularly licensed physician. Violation of any of the provisions of this section shall constitute a misdemeanor.

SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for, and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or any admixture thereof.

SEC. 3. No license provided for in this article shall be granted for a sum less than five hundred dollars per annum, payable quarterly in advance.

SEC. 4. No remission of any such license shall be made during the period for which it is granted, and the bonds required to be given by keepers or proprietors of saloons or drinking houses shall not in any case be fixed at less than one thousand dollars.

SEC. 5. No license issued under the provisions of this article shall be assignable or transferrable without the consent of the council endorsed thereon, such consent being evinced by resolution, and only to such person, firm or corporation as may have filed a bond as heretofore provided, and complied in all other respects with such preliminary requirements as are provided by law.

Provided, that in case any licensee is charged with violation of the provisions of this article or of any ordinance imposing restrictions on his conduct as such licensee, which charge or charges result in an investigation by the council or by any court or other body authorized by law to conduct such investigation, then during such investigation or during a trial upon such charge or charges, and also after conviction, if the same shall follow, no transfer of said license shall be granted.

SEC. 6. Upon sufficient cause being shown or proof furnished to the council that any person, firm or corporation holding a license under the provisions of this article has violated any of the provisions thereof, or of any ordinance of the city relative to the sale of liquors, the council shall, upon notice being given to the person, firm or corporation so licensed, revoke such permission, cancel the license and declare the bond forfeited. Any license shall be revoked ipso facto by judgment of conviction of the holder thereof of a felony or of the violation of any of the provisions of any ordinance by this article authorized.

SEC. 7. No license shall be issued entitling the licensee to carry on the business licensed at more than one place. Each licensee shall at all times keep his license posted in a conspicuous place in his saloon or place of making sales thereunder, so that the license shall at all times be easy to be read by any person entering said place.

SEC. 8. No license shall be required for the purpose of selling liquors at wholesale to any retail dealer in the city who holds a license under the provisions of this article.

ARTICLE XI.

Chapter I—Elections.

SECTION 1. Elections to be held in the City of Alameda for the purpose of electing officers thereof, and for all other purposes, shall be of two kinds, general municipal elections and special municipal elections.

SEC. 2. General municipal elections shall be held on the second Monday in April, in each odd numbered year, and shall be for the purpose of electing all officers made elective by the terms of this charter, and for other purposes in this charter provided. The first election under this charter shall be held on the second Monday of April, 1907.

SEC. 3. Special municipal elections for all such purposes shall be held on such days as shall be fixed by the council therefor, and also on such days as are elsewhere provided for in this charter

SEC. 4. All general and special municipal elections shall, in all respects as nearly as may be, be held and conducted in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time, and the council shall make all necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the result of all elections by the council shall be in accordance with the provisions of the state laws and of this charter.

SEC. 5. The qualifications of an elector at any election held in the city in pursuance of this charter shall be the same as those prescribed by the laws of this state for electors at any general election in force at the time of such election.

SEC. 6. At the first election held under this charter a full council shall be

elected, who shall hold office as elsewhere in this charter provided, and until their successors are elected and qualified. Members of the council and other elective officers shall take office at eight o'clock P. M. on the third Monday in April next after their election.

Chapter II—Mode of Nomination and Election.

SEC. 7. The mode of nomination and election of all officers except councilmen nominated from wards, to be voted for at any general municipal election shall be as follows:

Not later than thirty days and not earlier than sixty days before any general municipal election, electors of the city may, by written petition, present names of candidates for election. The signatures to the said petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number when such disignation by street and number can be given. One of the signers of each paper shall swear that the statements therein made are true, and that each signature to said paper is a genuine signature of the person whose name purports to be thereto subscribed.

Each candidate shall be proposed by not fewer than fifty electors of the city. No more than one candidate may be named in any one petition, and no person may sign more than one petition for a candidate for any one office.

SEC. 8. Such petition shall be presented to the city clerk, and if accompanied by the written acceptance of the nominee, shall be filed by the city clerk. He shall immediately examine the great register and therefrom and from certificates of registration shall ascertain whether or not such petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall within five days, attach his certificate to said petition, showing the result of his examination.

If by the clerk's certificate it shall appear that the petition has not been signed by the requisite number of electors as herein provided, it may be amended within five days from the date of said certificate by the further addition of names. The clerk shall, within five days after such amendment, make like examination of said amended petition and shall certify to the result of his examination.

SEC. 9. If the petition shall be found to be sufficiently signed as herein provided the clerk shall enter the name of the candidate so nominated in a list, and shall, not later than ten days prior to the election, certify said list as being a list of candidates nominated as required by this section, and shall cause said certificate, together with said list of names and the offices for which the candidates were respectively nominated, to be published at least five successive days prior to the election, in two daily newspapers published in the city.

SEC. 10. The city clerk shall cause ballots to be printed, numbered and bound, which ballots shall contain said list of names and of the respective offices as published; and the following caption: "Municipal Election, City of Alameda, (inserting date thereof). To vote, stamp or write a cross opposite the name of the candidate voted for or the measure voted on."

The names of the candidates shall be arranged on such ballots in the following order: "For Mayor, vote for one"; "For Auditor and Assessor, vote for one"; "For Treasurer and Tax Collector, vote for one"; "For Police Judge, vote for one," following with the name of any other office to be filled at that election except that of councilman, the names of the candidates for councilmen to be the last on the ballot; *provided* that at the first election held under the provisions of this charter the tickets shall read, as regards councilmen to be nominated at large, "Vote for two."

The names of the candidates for each office shall be arranged in alphabetical order. There shall be nothing on any ballot indicative of the source of nomination or of support of any candidate.

SEC. 11. The mode of nomination and election of councilmen nominated from wards shall be as is heretofore provided in this article with the exception that the signatures to the petitions for each such councilman shall be limited to those of electors from the ward in which the councilman resides, and each petition shall be signed by not less than twenty electors. The names of councilmen nominated from wards shall be preceded by these words: "For Councilman from —— Ward" (naming the ward) "vote for one."

SEC. 12. Each ballot shall contain blank spaces underneath the printed names of offices, wherein a voter may write the name of any candidate for whom he may wish to vote.

SEC. 13. The ballots shall be printed on paper provided by the Secretary of State, which paper shall be such as is provided for use at State elections, and the form provided for State elections shall be adhered to as closely as practicable, and still conform to the provisions of this chapter.

SEC. 14. Each elector may vote for as many of said candidates as there are offices to be filled, by writing or stamping a cross in the square opposite the name of the candidate. The candidates in number equal to the number to be chosen, who have the highest number of votes, shall be declared elected.

SEC. 15. Any candidate nominated to fill a vacancy and to serve the remainder of an unexpired term, may be nominated as above provided, but such candidate shall be designated on the ballot as a candidate to fill a vacancy, and the term of the vacancy shall be stated.

SEC. 16. If any candidate who shall have received the highest number of votes shall prove to be disqualified, then the qualified candidate who shall receive the number of votes next highest shall be entitled to the office.

Chapter III.

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof, who shall be subject to removal as provided by this charter and by general law.

ARTICLE XII.

MISCELLANEOUS.

SECTION 1. Whenever in this charter the word "city" occurs, it means the City of Alameda, and every department, board and officer, whenever either one of them is mentioned in this charter, means a department, board, or officer, as the case may be, of the City of Alameda.

SEC. 2. The fiscal year shall begin with the first day of July, and end with the last day of June of each year.

SEC. 3. All officers mentioned in this charter, elected or appointed, at the time of their election or appointment, must be citizens of the United States and residents of the city, and must continue to so reside in the city during their respective terms of office or employment.

SEC. 4. Compensation of city officers shall not be increased or diminished during the terms of their respective offices.

SEC. 5. The restriction in this article in regard to citizenship and residence shall not apply to school teachers, except that immediately after their appointment they shall become and shall continue to be residents of this city.

SEC. 6. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively, without the permission of the council, or shall fail to qualify by taking the oath of office and filing his official bond whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of any felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The mayor shall have the power to appoint suitable persons to fill vacancies in any office, except as this charter otherwise provides. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor.

SEC. 7. The improvement, widening and opening of streets, the planting of trees, and all other matters not specified in this charter, shall be done, and assessments therefor levied, in conformity with, and under the authority conferred by general law.

SEC. 8. The mayor, the auditor and the city clerk shall together count the money in the treasury at least once in three months, and see if the amount on hand tallies with the amount that should be in said treasury shown by the proper books of the city, and they shall make a written report thereof to the council.

SEC. 9. All officers and boards shall turn over and deliver to their respective successors designated in this charter, all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control.

SEC. 10. No member of the council, or of any board, and no officer or employé of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same.

SEC. 11. No officer of the city shall give or promise to give to any person, any portion of his compensation, or any money or any valuable thing in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

SEC. 12. No officer or employé shall accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé, or any one under his charge, or from any candidate or applicant for any position as employé or subordinate under him.

SEC. 13. A violation of any provision of the three sections last preceding shall cause a forfeiture of his office, and he shall be forever disbarred and disqualified from being elected, appointed or employed in the service of the city.

SEC. 14. Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, ordinance or this charter, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid, and shall forfeit the office which he holds and be forever disbarred and disqualified from holding any position in the service of the city.

SEC. 15. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities, or by order of the mayor.

SEC. 16. Copies or other extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying to such certified copy or extract.

SEC. 17. Except where otherwise provided for by law or this charter, all public offices shall be kept open for business during such hours as may be provided by ordinance.

SEC. 18. Every officer authorized by law or ordinace to allow, audit or certify demands upon the treasury, or to make any official investigation, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing relative thereto.

SEC. 19. Unless otherwise provided by law or this charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employé, shall have the right to remove any person so appointed. This right shall not apply to the removal of appointees on the several boards or commissions, which boards or commissions are, by this charter, vested with the management and conduct of branches or departments of the government of the city.

SEC. 20. All ordinances, resolutions and regulations of the city in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 21. All officers of the city when this charter takes effect shall continue to hold and exercise their respective offices under and in accordance with the terms of this charter, until the election or appointment and qualification of their successors provided for herein.

SEC. 22. The board of trustees of the present City of Alameda shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result thereof.

SEC. 23. The compensation of all paid officers and employés of the city for whose compensation no provision has been made in this charter, shall be fixed by the council.

SEC. 24. It shall be the duty of every officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the mayor all facts and information within his possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employé as in the case of malfeasance in office.

SEC. 25. All advertising required by the city may be published in a daily newspaper printed and published in this city, and which newspaper shall have been established at least one year immediately preceding the date of the contract for doing such advertising.

SEC. 26. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of different kinds of material or supplies than has been actually received, shall be guilty of malfeasance and shall be removed from office.

SEC. 27. Should any part or parts, provision or provisions of this charter be illegal or unconstitutional, such illegality or unconstitutionality shall destroy and render null and void only the part or provisions so illegal and unconstitutional, and all the other parts and provisions of this charter shall be in force and effect, so far as may be, as though such illegal part or provision had not been contained herein.

SEC. 28. For the purpose of holding and conducting the elections provided for by Section 6 of Article XI of this charter, this charter shall take effect from the time of the approval of the same by the Legislature; and for all other purposes this charter shall take effect at 8 o'clock P. M. on the second Monday in April, 1907.

SEC. 29. This charter may be amended in accordance with the provisions of the Constitution of this State.

WHEREAS, The City of Alameda, a city containing a population of more than ten thousand inhabitants, did on the 27th day of January, 1906, at a special election held under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, elect a board of fifteen freeholders to prepare and propose a charter for said city,

Be it known that in pursuance of said provisions of the Constitution and within a period of ninety days after such election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the said City of Alameda, and that in proposing and submitting such charter the said board of fifteen freeholders pursuant to said provision of the Constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the proposed charter, two alternative propositions, hereinafter stated and designated respectively as "Alternative Proposition No. 1," and "Alternative Proposition No. 2."

Said alternative propositions shall be submitted to the voters for their approval or rejection, and if one or both be approved by majority vote, shall, one or both, take the place or places of two certain other provisions embodied in the foregoing charter.

The said Alternative Propostion No. 1 shall, if approved by majority vote, take the place of Section 2, Article X of the proposed charter; and the said Alternative Proposition No. 2 shall, if approved by majority vote, take the place of Chapter III, Article XI, of the proposed charter.

Said alternative propositions shall be submitted to the voters at the same election at which the charter shall be sumitted, and upon the ballots shall be printed: "Shall Alternative Proposition No. 1, providing for limiting to twenty, the number of licenses which may be granted to retail liquor saloons take the place of Section 2, Article X?" and "Shall Alternative Proposition No. 2 providing for a mode of removal, by the electors of the city, of elected and appointed officers, said mode being known as the Recall, take the place of Chapter III, Article XI?"

ALTERNATIVE PROPOSITION NO. 1.

Shall the following be substituted in place of Section 2, Article X?

SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for, and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or an admixture thereof:

Provided, that the council shall not have power to grant more than twenty of the licenses or permits specified in this article to be in force at any one time. The licenses granted shall be numbered consecutively from 1 to 20, and not more than one license bearing any one number from 1 to 20, inclusive, shall be valid at one time.

ALTERNATIVE PROPOSITION NO. 2.

Shall the following chapter be substituted in place of Chapter III, Article XI?

Chapter III—Recall.

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof who shall be subject to removal as provided by this charter and by general law.

SEC. 18. The removal by the electors of the city, of any elected officer, may be effected as follows:

A petition or petitions, signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote cast for mayor, at the last preceding general municipal election, demanding an election of a successor of said incumbent, shall be addressed to the council and filed with the city clerk. Said petition shall contain a general statement of the grounds for which said removal is sought. The method of procedure after the filing of the petition shall be as provided in Sections 27 and 28, Chapter III of Article II.

SEC. 19. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted, and the result thereof declared in all respects as are those of other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he request otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some person other than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who has received the highest number of votes shall fail to qualify within ten days after receiving notification of his election, the office shall be deemed vacant and shall be filled by appointment, as elsewhere provided; *provided* that no one who has been recalled under the provisions of this chapter shall be appointed to fill a vacancy. If the incumbent has received the highest number of votes, he shall continue in office.

SEC. 20. The holder of any appointive office may be removed by the electors of the city. The initial procedure to effect such removal shall be as provided in Section 18 of this article.

SEC. 21. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election and the same shall be conducted and the result thereof declared in all respects as are other city elections.

SEC. 22. If, prior to the publication by the council, as provided in Section 19 of this article, the office which is sought by the petition to vacate, has been legally vacated, by resignation or otherwise, further proceedings under the petition shall thereupon terminate, and the office shall be filled by appointment of a person other than the former incumbent, as elsewhere in this charter provided.

SEC. 23. In case such office shall not have been vacated prior to publication by the council, as provided in Section 22 of this article, a referendary vote shall be had as provided in this article. The tickets to be voted at such referendum shall

be as follows: "For the removal of ———," naming the officer the removal of whom is sought to be accomplished, and "Against the removal of ———," naming the officer whose removal is sought to be accomplished.

The ballots shall be provided with squares at the right hand of each voting proposition, in which the voter may make a cross, indicative of his vote.

SEC. 24. In case the result of the ballot shall show a majority vote against removal the incumbent shall continue to hold office. In case the result shall show a majority vote for removal, he shall, upon the announcement thereof, as elsewhere provided, cease to hold office, which shall thereupon by the council be declared to be vacated, and the vacancy shall thereupon be filled as is elsewhere provided for the filling of the said office.

IN WITNESS WHEREOF we have hereunto set our hands and seals at the City of Alameda, State of California, this 26th day of April, 1906.

Done in duplicate.

EDW'D K. TAYLOR President.	(Seal)
GEO. A. MOORE Vice-President.	(Seal)
BRAINARD C. BROWN	(Seal)
ISAAC N. CHAPMAN	(Seal)
P. W. BARTON	(Seal)
E. J. BEVAN	(Seal)
FREDERICK E. MASON	(Seal)
JULIUS MAGNIN	(Seal)
J. D. JAMISON	(Seal)
J. C. LINDERMAN	(Seal)
WILLIAM H. NOY	(Seal)
H. G. MEHRTENS	(Seal)
PAUL K. BUCKLEY	(Seal)
H. M. KEBBY	(Seal)
HENRY MICHAELS	(Seal)

Board of Freeholders, City of Alameda, State of California.

Attest: BRAINARD C. BROWN, Secretary.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF ALAMEDA.—SS.

I, Wm. J. Gorham, President of the board of trustees of the City of Alameda, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were on the 27th day of January, 1906, at a special municipal election held in said City of Alameda on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety days after said election as required by Section eight of Article eleven of the Constitution of this State; that said proposed charter was then published in the Alameda Daily Argus and in the Daily Encinal which then were daily newspapers of general circulation in said city, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter as required by said Section eight to wit: on the 18th day of July, 1906, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter and the alternative propositions submitted therewith; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole, excepting that Alternative Proposition No. 1 and Alternative Proposition No. 2 therein contained, being each separately voted on, were each ratified by a majority of such votes and were therefore chosen and substituted respectively for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said City of Alameda on the 6th day of August, 1906, and the result thereof declared as above set forth and that in all matters and things pertaining to said proposed charter the provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF I have hereunto set my hand and caused the corporate seal of said City of Alameda to be affixed this 31st day of December, 1906.

WM. J. GORHAM,
President of the Board of Trustees of the City of Alameda, State of California.

Attest: J. W. GILLOGLY,
[SEAL.] City Clerk of said City of Alameda.

AND WHEREAS, Said proposed charter with said two alternative propositions so ratified has been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section eight of Article eleven of the Constitution of the State of California.

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), that said charter of the City of Alameda including said two alternative propositions as presented to, adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said City of Alameda.

Assembly Concurrent Resolution No. 3 read.

The roll was called, and Assembly Concurrent Resolution No. 3 adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—73.

NOES—Johnson of Sacramento—1.

Concurrent resolution ordered withheld, temporarily, from Senate.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the land and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

PYLE, Chairman.

Bill ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

SACKETT, Chairman.

Bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 329—An Act amending Section 1697 of the Political Code, defining the length of school month—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SACKETT, Chairman.

Bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for nonfulfillment of their official duties—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

SACKETT, Chairman.

Bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 299—An Act to amend Section 1481 of the Political Code of the State of California, relating to the formation of new school districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SACKETT, Chairman.

Bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relating to studies to be taught in the primary and grammar schools—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that it do pass as amended.

SACKETT, Chairman.

Bill ordered on file for second reading.

ON LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1907.

MR. SPEAKER: Your Committee on Levees and River Improvements, to whom was referred Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, watercourse, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purpose—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BUTLER, Chairman.

Bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 4—An Act to amend section nine hundred and thirty-nine of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

HANS, Chairman.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Joint Resolution No. 2—Relating to House Resolution 7017, pending in the House of Representatives.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Joint Resolution No. 2 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

Also: Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executors and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.

Also: Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purposes of a biological station.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bills Nos. 23 and 28 read first time, and referred to Committee on Judiciary.

Senate Bill No. 59 read first time, and referred to Committee on Municipal Corporations.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Mr. Pyle: Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Bill read first time, and referred to Committee on Ways and Means.

By Ways and Means Committee: Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

Bill read first time, and placed on file without reference.

Also: Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read first time, and placed on file.

Also: Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Bill read first time, and placed on file.

Also: Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Bill read first time, and placed on file without reference.

Also: Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Bill read first time, and placed on file without reference.

By Mr. Campbell: Assembly Bill No. 434—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered Section 317½, prohibiting the publication of certain advertisements.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 435—An Act to provide for the payment of the bounty due Joseph Schwindel under "An Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds," approved April 4, 1864, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Pyle: Assembly Constitutional Amendment No. 13—A resolution to propose to the qualified electors of the State of California an amendment to the Constitution of said State by adding thereto a new

section to Article IX, to be known as Section 14, relating to the furnishing of the free use of school text-books by the governing bodies of school districts in said State.

Referred to Committee on Constitutional Amendments.

By Mr. Thompson of San Francisco: Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Subdivision 1, Section 6, of said Act.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Spaulding: Assembly Bill No. 437—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement, or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hartmann (by request): Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also (by request): Assembly Bill No. 440—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California."

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also (by request): Assembly Bill No. 441—An Act to amend the title and Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities."

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Strohl: Assembly Bill No. 442—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. McClellan: Assembly Bill No. 443—An Act to amend Sections 8 and 15 of an Act entitled "An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the

compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. McMullin: Assembly Bill No. 444—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Barry: Assembly Bill No. 445—An Act to amend Sections 319, 320, 321, 322, 323, 324, 325, and 326 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers of railroad trains.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 448—An Act to add a new section to the Civil Code, to be known and numbered as Section 468*a*, providing for the management of railroad trains in crossing drawbridges.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City.

Bill read first time, and referred to Committee on Public Works, State Capitol and Parks.

Also: Assembly Bill No. 450—An Act to add a new section to the Penal Code, to be known and numbered as Section 393*b*, providing a penalty on corporations for any loss of life occasioned by its negligence or the negligence of its agents or servants.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 451—An Act to give permanency to the decisions of the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cornish: Assembly Bill No. 452—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a*, of the Penal Code of the State of California, and to add to said Penal Code a new section to be numbered 637*b*, all relating to the protection and preservation of game and fish.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Transue: Assembly Bill No. 453—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relation to practicing without a certificate.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Walsh: Assembly Bill No. 454—An Act to Amend Section 348 of the Code of Civil Procedure of California, relating to the time within which actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Kelly: Assembly Bill No. 455—An Act providing that in any city or city and county in this State where by general law or by charter

the board of police commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of a rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply; and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Drew: Assembly Bill No. 456—An Act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 457—An Act to amend Section 439 of the Penal Code, relating to insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Eshleman: Assembly Bill No. 458—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

Bill read first time, and referred to Committee on Universities.

By Mr. Cogswell: Assembly Bill No. 459—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hewitt: Assembly Bill No. 460—An Act to amend An Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901,

by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Sackett: Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

Bill read first time, and referred to Committee on Education.

By Mr. Hartmann (by request): Assembly Bill No. 463—An Act to regulate the use of meters used for the purpose of measuring water by persons or corporations distributing the same for sale.

Bill read first time, and referred to Committee on Corporations.

Also (by request): Assembly Bill No. 464—An Act to amend Section 629 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stetson: Assembly Bill No. 465—An Act to provide for a ballot, to be denominated "Candidates Ballot," to be used at primary elections in this State; to provide for the form, constitution, and voting thereof; the counting and canvass of such votes, and certifying of returns thereof to political conventions and officers of political parties; limiting and prescribing the acts of political conventions with reference to nominations for public office; defining certain terms used in this Act; determining the manner of ascertaining the number of qualified electors for the purpose of this Act; providing for the payment of expenses incurred thereunder; making the subject-matter of this Act a part of the primary election system of this State; providing penalties for violation of this Act, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Whitmore: Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. O'Brien: Assembly Bill No. 467—An Act providing for the appropriation of one thousand dollars ($1,000) for the purpose of constructing cement curbing and gutters around the grounds of Sutter's Fort.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 468—An Act providing for the appropriation of three thousand dollars ($3,000) for the purpose of improving the grounds around Sutter's Fort.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 469—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 470—An Act providing for an appropriation of $600 for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Strobridge: Assembly Bill No. 471—An Act providing for the extermination of the Boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Wyatt: Assembly Bill No. 472—An Act to amend the Political Code, by amending Section 3766 thereof, relating to the publication of delinquent tax list.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 474—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

BILL RE-REFERRED.

By suggestion, the Speaker re-referred Assembly Bill No. 176 from the Committee on State Hospitals and Asylums to the Committee on Judiciary.

RESOLUTIONS.

By Mr. Leeds:

Resolved, That a committee, to be known as the Los Angeles Delegation, be added to the Standing Committees of the Assembly; that to this committee shall be referred matters of interest in particular to the County of Los Angeles, but not to the exclusion of jurisdiction of other committees.

Resolution read, and referred to Committee on Rules and Regulations.

By Mr. Stetson:

Resolved, That the desk of the late John J. Burke, as a member of this Assembly, remain draped for a period of thirty days from and after his death as a mark of respect and tribute to his memory. The Sergeant-at-Arms is charged with the execution of this resolution.

Resolution read, and adopted by unanimous vote.

By Mr. Hewitt:

WHEREAS, One Edward J. Livernash, present correspondent for the "San Francisco Bulletin," has grossly, wantonly, and maliciously abused the privilege and courtesy extended to him by the two branches of this Legislature in the matter of the freedom of the chambers of the respective houses during sessions, and has grossly insulted each and every member of both houses by his scurrilous production, published in the "Bulletin" of the 22d of January, 1907, a copy of which is hereto attached, and has grossly, cruelly, and maliciously insulted the memory of the late Assemblyman, John J. Burke, and has falsely impugned the motives and purposes of the members of this Legislature in attending his funeral at Oakland on the 22d day of January, 1907, and has cruelly wounded the feelings of all the relatives and friends of our colleague just buried, by his false and scurrilous statements therein; therefore, be it

Resolved by the Assembly, That Edward J. Livernash be, and he hereby is, denied the usual press privileges of the Assembly Chamber or any part thereof, during the balance of this thirty-seventh session, and that the Sergeant-at-Arms of the Assembly be, and he hereby is, authorized and directed to prevent the entrance of said Livernash to the Chamber under the control of this Assembly, and to eject him whenever found therein.

AND WHEREAS, The said "Bulletin" is equally guilty of slandering the members of this body, and especially the name of our deceased colleague, in the publication of the articles written by the said Edward J. Livernash, therefore, be it further

Resolved, That from henceforth during the present session of this Legislature the said "Bulletin" be and it is hereby denied the privilege of having a press representative on the floor of the Assembly, or in any other room over which this Assembly has control.

At the request of Mr. Hewitt the following article, appearing in the "San Francisco Bulletin" under date January 22, 1907, was read by the Clerk:

TIME OF GRIEF IS USED FOR SCHEMING.

BOSSES GET A CHANCE TO PLOT—TO SETTLE JAP ISSUE—NO STOPPING OF HERRIN MACHINE.

By Edward J. Livernash.

SACRAMENTO, Jan. 22.—A calm is upon the capital today; for the members of both houses of the Legislature have gone to the funeral of John J. Burke, late Assemblyman from Alameda. In theory and by the formal record, they have gone out of an overwhelming sorrow over the passing of an honored colleague. In blunt truth, with disgusting hypocrisy in the presence of death they are there rather than here because in the judgment of a number of managers the attendance of THE FULL MEMBERSHIP beside an open grave would gain them (through the extended adjournment) needed time wherein to arrange a "programme" touching certain petty "politics." This miserable profanation of a solemn situation that ought to have given pause to worldliness, illustrates the charge of baseness made in an earlier dispatch, and is worth examining in detail.

The death of Burke was eagerly seized upon as a convenient means of escaping that "special order" and of gaining time for arranging a "programme" for the coal case. And so it came about that the Assembly "stood in" for the overwhelming sorrow, and voted to attend the funeral today en masse.

Ordinarily, the death of a member of a legislative body is followed by the appointment of A COMMITTEE OF THAT MEMBER'S COLLEAGUES to attend his funeral. That is the procedure which would have governed yesterday but for the anxieties of both houses over the pettiest sort of "politics."

Pretty wretched hypocrisy. California should gain noble legislation from the statesmen today bowed down with sorrow for the dead.

The resolution was then read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—73.

NOES—Messrs. Davis, McConnell, McKeon, and Walsh—4.

By Mr. Wilson:

Resolved, That the Sergeant-at-Arms be instructed to confer with the owner of this building with a view of devising some means of supporting the gallery in the Assembly Chamber.

Resolution read and, on motion, adopted.

By Mr. John:

Resolved, That the State Controller be and he is hereby directed to draw his warrants in favor of the following-named persons, in the sums written opposite their names, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly, the said sums being for services rendered the Chief Clerk in organizing the Assembly and previous to the appointment of the permanent employés:

Ed. J. Smith, three days, Assistant Clerk	$18 00
H. M. Harford, one day, Assistant Clerk	6 00
T. G. Walker, one day, Assistant Clerk	6 00
C. S. MacMullan, one day, Assistant Clerk	6 00
John D. Bailey, two days, Assistant Sergeant-at-Arms	10 00
W. H. Wickersham, one day, Assistant Sergeant-at-Arms	5 00
Ella Washburn, one day, Stenographer	5 00
J. Dennigan, three days, door-keeper	9 00
Mark Senna, one day, door-keeper	3 00
A. L. Bragg, two days, Coat Room Attendant	6 00
Ed. Fitzgerald, one day, Page	2 50
Frank F. Branch, one day, Page	2 50
Leslie J. Williams, two days, Page	5 00
Raymond Hart, two days, Page	5 00
Frank Shields, two days, Page	5 00
Arthur Thompson, two days, Page	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—67.
NOES—None.

By Mr. Lynch:

Resolved, That the Committee on State Prisons and Reformatories is hereby granted permission to visit the two prisons and the Whittier State School and the Preston School of Industry for the purpose of investigating their needs and the condition of their inmates, and the members of the committee are hereby granted leave of absence for said purpose.

Resolution read, and referred to Committee on Rules and Regulations.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M. Friday, January 25, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, January 25, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

PRIVILEGES OF THE FLOOR.

On motion, the privileges of the floor were extended to the following: Messrs. Wright, McConnell, and Judge Wright, and a friend of Mr. Kelly's.

PERSONAL PRIVILEGE.

Mr. Johnson of Sacramento rose to a question of personal privilege on behalf of the Chaplain, Rev. P. H. Willis, and asked for him the privilege of the floor.

Upon motion of Mr. Johnson, the privilege of the floor was extended to the Rev. P. H. Willis, who thereupon addressed the Assembly.

LEAVE OF ABSENCE.

Leave of absence for the day was granted Mr. Beckett by the Speaker.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

CORRECTION OF THE JOURNAL.

The Journal of Wednesday, January 23, 1907, was read, corrected and approved as corrected.

PETITIONS.

The following petition was received and ordered printed in the Journal:

WHEREAS, The work of the United States Geological Survey in California in coöperation with the State of California has practically been completed on the west side of the Sacramento River for the purposes of determining the possibilities and practicability of irrigation and reclamation; and

WHEREAS, It is equally essential that the work be continued as outlined by the United States Geological Survey and the State Board of Examiners of California; therefore be it

Resolved, That the Stockton Chamber of Commerce, by its Board of Trustees, at this regular meeting on January 14, 1907, hereby heartily endorses the work thus far completed, and urgently recommends that the Legislature of California appropriate the sum of $40,000 for the continuation of the topographic work and the sum of $25,000 for the continuation of the hydrographic work as outlined by the United States Geological Survey and the State Board of Examiners of California;

Be it further Resolved, That this Chamber urgently recommends the Legislature to appropriate the sum of $15,000 for continuing the coöperative investigation of the United States Department of Agriculture for the purpose of ascertaining the best method of distributing and using the waters of the State, and that the Legislature be also requested to appropriate the sum of $3,000 for the purpose of continuing the coöperative work of investigating the economic quality and purity of the waters of the State.

REPORTS OF STANDING COMMITTEES.

The following reports from standing committees were received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution by Mr. Leeds:

Resolved, That a committee, to be known as the Los Angeles Delegation, be added to the Standing Committees of the Assembly; that to this committee shall be referred matters of interest in particular to the County of Los Angeles, but not to the exclusion of jurisdiction of other committees.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEEDS, Chairman.

Mr. Leeds moved its adoption.

The roll was called, and report and resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins,

John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—69.

NOES—None.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 90—Entitled "An Act to amend an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales and of statements of compliance with the conditions thereof."

Also: Assembly Bill No. 112—Entitled "An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire department of counties, cities and counties, cities and towns."

Also: Assembly Bill No. 177—Entitled "An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops and the amount to be deducted as tare."

Also: Assembly Bill No. 383—Entitled "An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery or payment of deposits made in the names of two or more persons."

Have had the same under consideration, and respectfully report the same back, and recommend that said bills be referred to the Judiciary Committee.

WYATT, Chairman.

So ordered.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 178—Entitled "An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed"—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

WYATT, Chairman.

Bill ordered on second-reading file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 291—Entitled "An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court."

Also: Assembly Bill No. 384—Entitled "An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof."

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WYATT, Chairman.

Bills ordered on second-reading file.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 218—An Act allowing certain pensions for employés of twenty-one years' and upwards of continuous service by the State of California in one or more of the public institutions of the State, and providing for the payment thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

HELD, Chairman.

Bill ordered on second-reading file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HELD, Chairman.

Bill ordered on second-reading file.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings.

Assembly Bill No. 18—An Act to amend Section 1049 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action.

Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

HANS, Chairman.

The above reported engrossed bills ordered placed on third-reading file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Mr. Johnson of Sacramento: Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employés of the Senate and Assembly.

Referred to Committee on Constitutional Amendments.

By Mr. Birdsall: Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California the amendment of Sections 2 and 23 of Article IV of the Constitution.

Referred to Committee on Constitutional Amendments.

By Mr. Drew: Assembly Constitutional Amendment No. 16—Proposed amendment to Article 6 of the Constitution, relative to Clerk of Supreme Court.

Referred to Committee on Constitutional Amendments.

By Mr. Weske: Assembly Bill No. 475—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and redirect the manner of the expenditure thereof.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Committee on Ways and Means: Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 480—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.

Bill read first time, and ordered on file without reference.

By Mr. Lucas: Assembly Bill No. 484—An Act empowering the Boards of Supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Costar: Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Birdsall: Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Berry: Assembly Bill No. 487—An Act to amend Section 3909 of the Political Code, relative to the boundary line of Del Norte County.

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Transue: Assembly Bill No. 488—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchise or privileges, the exoneration of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Case (by request): Assembly Bill No. 489—An Act to amend an Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason

of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Ludington: Assembly Bill No. 490—An Act to amend Section 637*a* of the Penal Code of California and to add thereto four new sections, to be numbered 637*b*, 637*c*, 637*d*, and 637*e*, all relating to protection of wild birds, other than game birds, and their nests and eggs.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Stanton (by request): Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 492—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining, and operating, and to construct, equip, use, maintain, and operate, any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling, or transporting materials or supplies required in the construction or completion of any public work, improvement or utility, or for the purpose of maintaining or operating any such work, improvement or utility.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Wyatt: Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Finney: Assembly Bill No. 494—An Act to provide for the survey and construction of a State highway from Red Bluff, California, to Eureka, California, in Tehama, Trinity, and Humboldt counties, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Estudillo: Assembly Bill No. 495—An Act to amend Section 340 of the Penal Code of the State of California, relating to pawnbrokers.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stetson: Assembly Bill No. 496—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California with reference to the appointment of guardians of insane and other incompetent persons.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

RE-REFERENCE OF BILLS.

On motion, the following bills were recalled and re-referred:

Assembly Bill No. 80, from Committee on Military Affairs to Committee on Public Grounds.

Assembly Bill No. 25, from Committee on Public Printing to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report from standing committee was received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution by Mr. Lynch:

Resolved, That the Committee on State Prisons and Reformatories is hereby granted permission to visit the two prisons and the Whittier State School and the Preston School of Industry for the purpose of investigating their needs and the condition of their inmates, and the members of the committee are hereby granted leave of absence for said purpose.

Report the same back, and say that the proposed resolution does not comply with the requirements of Rule 78 of the Assembly in this, that it does not give the name of the institutions to be visited nor does it "briefly recite the occasion and necessity for visiting the" institutions. We are of opinion that leave of absence could not at present be granted to the whole committee without interfering with the business of the Assembly.

LEEDS, Chairman.

On motion of Mr. Johnson of Sacramento, final action on report was postponed until Wednesday, January 30, 1907.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Devlin:

Resolved, That the use of Assembly Chamber be granted the Senate and Assembly Committees on Revenue and Taxation, on Wednesday evening, February 13, 1907, commencing at eight P. M., for the purpose of holding a joint meeting of said committees for the discussion of Assembly Constitutional Amendment No. 9, relating to the separation of State from local taxation.

Resolution read and, on motion, adopted.

MOTION.

Mr. Johnson of Sacramento moved that members of Committee on State Prisons and Reformatories be granted leave of absence until Monday, January 28, 1907, to enable them to visit the two State prisons and the Whittier State School and the Preston School of Industry.

AMENDMENT.

Mr. Stanton moved to amend by adding to motion:

That the expenses of committee on said trip be confined to actual money expended.

Amendment lost.

The question being on the adoption of the motion.

The ayes and noes were called for.

The roll was called, and motion, being short of a two-thirds vote, was declared lost by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Collister, Cornish, Costar, Cullen, Estudillo, Fisher, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury,

Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Messrs. Case, Davis, Devlin, Drew, Eshleman, Forbes, Hans, McKeon, Sackett, and Thompson of Los Angeles—10

RESOLUTIONS—(RESUMED).

By Mr. Thompson of Los Angeles:

Resolved, That the State Printer be and he hereby is directed to print and bind, in suitable pamphlet form, one thousand copies of the report of the Assembly Special Committee on Education, and deliver the same to the order of said committee for distribution.

Resolution read and, on motion, adopted.

By Mr. Transue:

WHEREAS, The plan of sending out Assembly printed matter as provided for in a former resolution has proved expensive and impractical, and if carried out would entail an expenditure of thousands of dollars and result in burdening the constituents of the several members with a mass of printed matter in which they are not interested, and in most instances unsolicited; and

WHEREAS, The plan suggested in caucus by the Chief Clerk, to send the Daily History, containing the numbers, titles, and reference of bills, to the addresses furnished by the members, together with a letter prepared by him, directing the recipients to request such printed matter sent them as they may be interested in, is the more feasible plan; therefore, be it,

Resolved, That the plan of the Chief Clerk be carried out, and the State Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly in favor of the Chief Clerk for the sum of $400, said sum being for postage and expressage, and the Treasurer is directed to pay the same.

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pyle, Root, Sackett, Snyder, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

By Mr. Thompson of Los Angeles:

Resolved, That all committees obtaining leave of absence to visit any public institution, or to investigate any question referred to them for consideration, under the rules and by permission of this House, shall be allowed their actual traveling expenses only.

Resolution read.

Mr. Thompson moved its adoption.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the result, a call of the House was ordered, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—70.

Quorum present.

Thereupon Mr. Transue moved that further proceedings under call of the House be dispensed with.

Motion carried.

The Speaker then announced the resolution adopted by the following vote:

AYES—Messrs. Baxter, Birdsall, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Eshleman, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, John, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Weske, and Mr. Speaker—39.

NOES—Messrs. Barry, Beban, Bishop, Boyle, Bush, Cullen, Fisher, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, McGuire, Root, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Wyatt—27.

NOTICE OF MOTION TO RECONSIDER.

Mr. Fratessa gave notice that he would, on the next legislative day, move to reconsider the vote whereby the resolution was this day adopted.

RESOLUTION.

By Mr. Lynch:

Resolved, That the Committee on State Prisons and Reformatory Institutions be and it is hereby granted leave of absence until Monday, January 28, 1907, in which to visit the State Prison at San Quentin and the State Prison at Folsom, and the Reform School at Whittier, and the Reform School at Ione, it being necessary to view and inspect them all in order to act intelligently upon bills affecting the same, and the whole committee should visit.

Resolution read, and referred to Committee on Rules and Regulations.

Mr. Johnson of Sacramento moved that the rule be suspended and that committee report back immediately.

Such was the order.

The committee forthwith reported, and recommended the adoption of the resolution.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution introduced by Mr. Lynch, viz:—

Resolved, That the Committee on State Prisons and Reformatory Institutions be and it is hereby granted leave of absence until Monday, January 28, 1907, in which to visit the State Prison at San Quentin and the State Prison at Folsom, and the Reform School at Whittier, and the Reform School at Ione, it being necessary to view and inspect them all in order to act intelligently upon bills affecting the same and the whole committee should visit.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEEDS, Chairman.

Report received and read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt and Mr. Speaker—62.

NOES—Mr. Davis—1.

By Mr. Smyth:

Resolved, That the name of J. J. Dolan be substituted for that of B. Frazer on the roll of attachés of the Assembly, at a per diem of $3, and that the name of B. Frazer be dropped from the roll of attachés.

Resolution read and, on motion, adopted.

By Messrs. Weske, Finney, and Held:

Making appropriation for expenses of Committee on Ways and Means.

WHEREAS, There are now before the Committee on Ways and Means of the Assembly many appropriation bills, relating to State institutions calling for the expenditure of several millions of dollars; and

WHEREAS, In the consideration of said bills, said committee requires information relative to said institutions, which can only be secured by a personal inspection of said institutions by members of the Committee on Ways and Means; therefore, be it

Resolved, That the sum of $500, or such portion thereof as may be needed, be and the same is hereby set aside from and out of the Contingent Expense Fund of the Assembly to the use of said Committee on Ways and Means in defraying the actual expense to be incurred by the members of the Committee on Ways and Means, and for postage under the direction of the chairman of said committee; and the Controller is hereby directed to draw his warrant in payment of such expense of the members of said committee, the total of said warrants not to exceed the sum of $500, from time to time, in favor of Miguel Estudillo, chairman of said Committee on Ways and Means, and the State Treasurer is directed to pay the same.

Resolution read and, on motion, referred to Committee on Contingent Expenses.

THIRD-READING FILE.

Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Fratessa, Hammon, Hans, Held, Hewett, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McGuire, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HOUR OF RECESS EXTENDED.

At twelve o'clock and twenty-seven minutes P. M., on motion of Mr. Transue, the hour of recess was extended as long as necessary to transact business now in hand.

SPECIAL FILE.

Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

Bill read second time, and ordered to engrossment.

RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Mr. Transue, the Assembly was declared at recess until two o'clock P. M., this day.

REASSEMBLED.

At two o'clock P. M., pursuant to adjournment, the Assembly reconvened.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

MOTION—(OUT OF ORDER).

Mr. Johnson of Sacramento moved that the remarks made by the Chaplain, the Rev. P. H. Willis, be printed in the Journal of to-day.

So ordered.

STATEMENT OF CHAPLAIN P. H. WILLIS, REGARDING CERTAIN ALLEGATIONS CONTAINED IN AN ARTICLE APPEARING IN THE SAN FRANCISCO EXAMINER OF JANUARY 23, 1907, UNDER THE FOLLOWING HEADLINES: "LEGISLATORS IN FROLIC ON TRAIN TO FUNERAL."

Mr. Speaker and Gentlemen of the Assembly:

I thank you for the courtesy which you have just unanimously extended to me in allowing me the privilege of denying upon the floor of this Assembly, the truth of, and stating the facts concerning, certain allegations contained in the newspaper article referred to above. Please allow me to read such portions as relate especially to myself:

"It seems that Chaplain P. H. Willis was dragged from his bed at dead of night by a crowd of roysterers, and that instead of rising in his might to denounce his persecutors, like a modern Jeremiah, he rather complacently joined in the fun." And again: "The roysterers were no respecters of persons, and Chaplain Willis was among those dragged forth in a nightgown. When they saw they had the Chaplain and had pulled him along sufficiently, Transue and Stanton relented, but Kelly was for giving the parson a drink and making him sing a song like the others. The majority prevailed, however, and the Rev. Mr. Willis was not forced to do his scantily-clad turn for the joying of the law-givers."

Mr. Speaker, these are the allegations, I will give you the facts:

Upon the evening referred to, I retired in berth No. 1, in Pullman "Modesto," about ten P. M. and was not out of my berth, either voluntarily or involuntarily till seven o'clock the next morning, and as to Messrs. Transue, Stanton, and Kelly, will say that I positively did not see either of them at any time during the night; neither was the privacy of my berth at any time invaded. There is not one syllable of truth in the allegation.

Mr. Speaker and gentlemen, to me this is not so grave a matter, for I know it to be false, but to my friends and loved ones it is serious. To you, gentlemen, it is grave, in that it calls in question your conduct as representative gentlemen. To the State it is grave, in that it stigmatizes the names of some of her chosen representatives. To my church it is grave, in that it impeaches the dignity of one of her most humble ministers.

With malice toward none and charity for all, yet because of the reasons above mentioned, I protest against the publication of such pernicious falsehood.

THIRD-READING FILE.

Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Held, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 327, making it a misdemeanor to print, publish, or advertise lotteries or lottery drawings.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Held, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Lucas, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 18—An Act to amend Section 1049 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action.

Bill read third time.

Mr. Snyder moved that a select committee of one be appointed to amend the bill as follows:

Strike out all after line 2, printed bill, and insert in lieu thereof the following: "1049. After his plea, the defendant in all cases in which the superior courts have original jurisdiction shall be entitled to thirty days to prepare for trial, and in all other cases the defendant shall be entitled to two days to prepare for trial; *provided*, that in all cases the defendant may consent to a trial at an earlier time than herein provided."

Motion carried.

The Speaker appointed Mr. Snyder a select committee of one to amend bill.

REPORT OF SELECT COMMITTEE OF ONE.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 18—An Act to amend Section 1049 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action—with instructions, does now report that the instructions of the Assembly have been carried out.

SNYDER, Select Committee.

Report and amendment read and adopted, and bill ordered to print and reëngrossment, and on file for passage.

Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Smith, Smyth, Snyder, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—63.
NOES—Mr. Case—1.

Title read and approved.

Bill ordered transmitted to Senate.

SECOND READING OF BILLS.

Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in Justices' Courts.

Bill read second time.

The following committee amendment was submitted:

Amend by striking out the following words found in lines 9, 10, and 11 of Section 1 of the printed bill: "such an attorney's fee as may be just, not exceeding twenty per cent of the amount recovered," and insert in lieu thereof "an attorney's fee not exceeding twenty per cent of the amount recovered."

Amendment read and, on motion, adopted.

Bill ordered to print, engrossment and third reading.

Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Bill read second time.

The following committee amendment was submitted:

Amend by inserting after the enacting clause, as follows: "Section 1. A new section is hereby added to the Code of Civil Procedure, to be known and numbered as Section 2029, and to read as follows:"

Amendment read and, on motion, adopted.

Bill ordered to print, engrossment and third reading.

Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read second time.

The following committee amendments were submitted:

AMENDMENT No. 1.

Amend by striking out the words "of the County of Sacramento are," in lines 4 and 5 of Section 1 of the printed bill, and insert in the lieu thereof the words "shall be."

Amendment read and, on motion, adopted.

AMENDMENT No. 2.

Amend by inserting after the word "Alameda," in line 5 of section 1 of the printed bill, the word "Sacramento."

Amendment read and, on motion, adopted.

AMENDMENT No. 3.

Amend by inserting after the word "Tuolumne," in line 12 of Section 1 of the printed bill, the word "Orange".

Amendment read and, on motion, adopted.

AMENDMENT No. 4.

Amend by striking out the words "of the County of Orange, thirty-five hundred dollars," found in lines 13 and 14 of Section 1 of the printed bill.

Amendment read and, on motion, adopted.

AMENDMENT No. 5.

Amend by inserting the word "Marin," at the beginning of line 6 of Section 1 of the printed bill.

Amendment read and, on motion, adopted.

AMENDMENT No. 6.

Amend by striking out the word "Marin," in line 9 of Section 1 of the printed bill.

Amendment read and, on motion, adopted.

Bill ordered to print and engrossment and third reading.

Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the Bay of San Diego, or in the entrance thereto.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relative to studies to be taught in the primary and grammar schools.

Bill read second time.

The following committee amendment was submitted:

Amend by striking out the word "funds" where it occurs the second time on line 12, first page of printed bill.

Amendment read, and, on motion, adopted.

Bill ordered to print, engrossment, and third reading.

Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, watercourse, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, watercourses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Bill read second time, and ordered to engrossment and third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolution of Messrs. Weske, Finney, and Held:

Making appropriation for expenses of Committee on Ways and Means:

WHEREAS, There are now before the Committee on Ways and Means of the Assembly

many appropriation bills relating to State institutions calling for the expenditure of several millions of dollars; and

WHEREAS, In the consideration of said bills said committee requires information relative to said institutions, which can only be secured by a personal inspection of said institutions by members of the Committee on Ways and Means; therefore, be it

Resolved, That the sum of $500, or such portion thereof as may be needed, be and the same is hereby set aside from and out of the Contingent Expense Fund of the Assembly to the use of said Committee on Ways and Means in defraying the actual expense to be incurred by the members of the Committee on Ways and Means and for postage under the direction of the chairman of said committee; and the Controller is hereby directed to draw his warrant in payment of such expense of the members of said committee, the total of said warrants not to exceed the sum of $500, from time to time, in favor of Miguel Estudillo, chairman of said Committee on Ways and Means, and the State Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The question being on the adoption of the report.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Coggswell, Collister, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, McClellan, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Smyth, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—61.

NOES—Mr. Davis—1.

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

COSTAR, Chairman.

So ordered.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

By Mr. Walsh: Assembly Bill No. 497—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 498—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979*a*, relating to duties of the State Board of Health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Johnson of Sacramento: Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure relating to juries, to be known and numbered as Section 605.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wyatt: Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At three o'clock P. M., on motion of Mr. Transue, the Assembly was declared adjourned until nine o'clock and thirty minutes A. M., Saturday, January 26, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, January 26, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Bell, Berry, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Pyle, Root, Sackett, Smyth, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—50.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

LEAVE OF ABSENCE.

Leave of absence for the day was granted to the following members: Messrs. Otis, Forbes, Fisher, Leeds, Transue, Finney, Baxter, Davis, Wilson, Wessling, Beban, Hartmann, Thompson of San Francisco, and Kohlman.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

CORRECTION OF THE JOURNAL.

The Journal of Thursday, January 24, 1907, was read and corrected, and approved as corrected.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 3, relating to primary elections—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

ESTUDILLO, Acting Chairman.

Assembly Constitutional Amendment No. 3 ordered on file.

ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1907.

MR SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 92—Entitled an Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance and repairs of levees therein," approved March 27, 1878—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 95—An Act to perfect the organization of Reclamation District Number Seventy, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PERCIVAL, Chairman.

The above reported bills ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 263—An Act entitled "An Act to amend Section 1669 of the Political Code," relating to the establishment of high schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged—have had the same under consideration, and respectfully report the same back with amendment, and recommend that it do pass as amended.

SACKETT, Chairman.

The above reported bills ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purposes of a biological station—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 93—An Act to repeal an Act entitled "An Act to incorporate the town of Yuba City," approved March 13, 1878—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Concurrent Resolution No. 5—Relative to certain amendments of the charter of the City of Eureka, Humboldt County, State of California, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Assembly Bill No. 141—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purposes of a biological station—have had the same under consideration, and respectfully recommend that the author be permitted to withdraw the same, as it is identical with Senate Bill No. 59.

Also: Assembly Concurrent Resolution No. 4—Relative to certain amendments of the charter of the City of Eureka, Humboldt County, State of California, etc.—have had the same under consideration, and respectfully recommend that the author be permitted to withdraw the same, as it is identical with Senate Concurrent Resolution No. 5.

JURY, Chairman.

The above reported bills ordered on file for second reading, and concurrent resolutions for adoption.

Assembly Bill No. 141 and Assembly Concurrent Resolution No. 4 withdrawn by their authors, and ordered stricken from the file.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1907.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Bill ordered on file for second reading.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Devlin:

Resolved, That the date fixed in the resolution offered by Mr. Devlin on the 25th day of January, 1907, granting the use of the Assembly Chamber to the Senate and Assembly Committees on Revenue and Taxation, which said resolution appears on page 7 of the Assembly Journal of January 25, 1907, be changed from Wednesday evening, February 13, 1907, at eight o'clock P. M., to Wednesday evening, February 6, 1907, at eight o'clock P. M.

Resolution read and, on motion, adopted.

By Mr. Jury:

Resolved, That the name of J. Finn be substituted for that of John Lynch on the roll of attachés of the Assembly, at a per diem of $4, and that the name of John Lynch be dropped from the roll of attachés.

Resolution read and, on motion, adopted.

By Mr. Johnson of Sacramento:

Resolved, That each committee be allowed stationery to the amount of $10, except the Committee on Ways and Means and the Committee on Judiciary, to which said committees shall be allowed the amount of $25, the amount for each committee to be drawn only on the requisition of the chairman thereof.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Bell, Berry, Bishop, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Devlin, Drew, Eshleman, Estudillo, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Vogel, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—None.

By Mr. Stanton:

Resolved, That the name of G. Rosemund, on the role of attachés as a Porter, at a per diem of $3, be dropped therefrom, and that of J. E. Patrick be substituted therefor.

Resolution read and, on motion, adopted.

By Mr. Stanton:

Resolved, That the Chief Clerk be and is hereby instructed to have printed a sufficient number of copies of the order of business of this Assembly for the use of the members of the Assembly.

Resolution read and, on motion, adopted.

By Mr. Held:

WHEREAS, There have been referred to the Committee on State Hospitals and Asylums certain bills calling for appropriations for the State hospitals at Highlands, Agnews, Stockton, and Napa, and for the Home for the Feeble-Minded at Eldridge and the Industrial Home for the Blind at Oakland; and

WHEREAS, Bills have been referred to said committee affecting the above State hospitals and said institutions and all State hospitals, including the Mendocino State Hospital at Ukiah, California; and

WHEREAS, It is necessary, in order to enable said committee to intelligently act on said bills, that they visit said institutions; and

WHEREAS, It is advisable that all the members of said committee visit said institutions and desire leave of absence for said purpose; therefore, be it

Resolved, That all the members of this body, who are members of said committee, be and they are hereby granted leave of absence to visit said institutions above named, and that said leave of absence extend from and including Wednesday, January 30, 1907, to and including Sunday, February 3, 1907.

Resolution read, and referred to the Committee on Rules and Regulations.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following concurrent resolutions have been correctly enrolled:

ASSEMBLY CONCURRENT RESOLUTION No. 10.

WHEREAS, In His infinite wisdom, God has seen fit to take from our midst our honored, esteemed and lovable colleague, the Honorable John J. Burke; therefore, be it

Resolved by the Assembly, the Senate concurring, That the Speaker of the Assembly appoint five members of the Assembly and the President of the Senate appoint five members of the Senate to act as a joint committee and draft suitable resolutions in memory of our late, honorable and esteemed colleague and friend the Honorable John J. Burke.

ASSEMBLY CONCURRENT RESOLUTION No. 11.

Resolved by the Assembly, the Senate concurring, That a committee of five, consisting of three members of the Assembly and two members of the Senate, be named by the Speaker of the Assembly and the President of the Senate, respectively, and appointed to take charge of all arrangements for the funeral service of the late John J. Burke, and that the expenses be paid out of the Contingent Fund of the Assembly; and the Senate is hereby invited to meet the Assembly in joint session at twelve, noon, this day.

And were presented to the Governor January 24, 1907, at three o'clock and thirty minutes P. M.

HANS, Chairman.

MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 25, 1907.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Concurrent Resolution No. 5—Relative to the approval of the charter of the City of Santa Monica, Los Angeles County, California.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Concurrent Resolution No. 5 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Eshleman: Assembly Bill No. 502—An Act making an appropriation of $50,000 to increase the salaries of the members of the teaching staff of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cornish: Assembly Bill No. 503—An Act to provide for closed and open season for ducks.

Bill read first time, referred to Committee on Fish and Game.

By Mr. Whitmore: Assembly Bill No. 504—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 1 thereof, and by adding a new section, to be known as Section 18*a*.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Sackett: Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

Bill read first time, and referred to Committee on Education.

By Mr. Berry: Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 507—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Bill read first time, and referred to Committee on Public Health and Quarantine.

MOTION.

Mr. Stanton moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 433, 432, 431, 430, and 429.

Motion carried.

IN COMMITTEE OF THE WHOLE.

The Assembly convened in Committee of the Whole, Hon. R. L. Beardslee in the chair.

Assembly Bills Nos. 433, 432, 431, 430, and 429 were considered.

Mr. Stanton moved that the committee do rise and report to the Assembly with the recommendation that the bills do pass.

Motion carried.

IN ASSEMBLY.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Also: Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Also: Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

And do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Assembly Bills Nos. 429, 430, 431, 432, and 433 read the second time, and ordered to engrossment.

SECOND READING OF BILLS.

Assembly Bill No. 218—An Act allowing certain pensions for employés of twenty-one years and upwards of continued service by the State of California in one or more of the public institutions of this State and providing for the payment thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

During the second reading of bill the following committee amendment was presented:

Amend by striking out the words "and grant," on line 7, Section 3, second page, printed bill, and inserting in lieu thereof the following: "in granting."

Amendment read and adopted.

Bill read second time, and ordered to print and engrossment.

MOTION TO RECONSIDER POSTPONED.

On motion of Mr. Fratessa, the motion to reconsider the vote whereby traveling expenses were on a previous day granted standing committees of the Assembly, set to be made this day, was continued until Monday, January 28, 1907.

ADJOURNMENT.

At eleven o'clock and fifteen minutes A. M., on motion of Mr. Chandler, the Assembly was declared adjourned until Monday, January 28, 1907, at eleven o'clock A. M.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, January 28, 1907.

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshle-

man, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—65.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

CORRECTION OF THE JOURNAL.

The Journal of Friday, January 25, 1907, was read and corrected, and approved as corrected.

LEAVE OF ABSENCE.

On motion, Messrs. Transue and Vogel were granted leave of absence for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in the Bay of San Diego, or in the entrance thereto.

Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Assembly Bill No. 299—An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts.

Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

Also: That Assembly Joint Resolution No. 2—Relative to the transfer of certain national parks—has been correctly enrolled and presented to the Governor, January 28, 1907, at eleven o'clock and five minutes A. M.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1907.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such district, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18, and by adding a new section, to be known as Section 55*a*—have had the same under consideration, and respectfully report the same back with amendment and recommend that it do pass as amended.

Also: Assembly Bill No. 40.—An Act to prevent the waste and flow of water from artesian wells and prescribing penalties therefor, and defining waste and artesian well—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BISHOP, Chairman.

The above reported bills ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

Your Committee on Ways and Means beg leave to submit its report for the two weeks ending January 28, 1907, as follows:

Bills have been referred to this committee as follows:

Jan. 17,	Assembly Bill No. 8—An Act providing for the purchase of a site for a State Printing Office at the City of Sacramento, California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of a building on said site	$150,000 00
17,	Assembly Bill No. 12—An Act appropriating money for advertising and exploiting a State Fair	5,000 00
17,	Assembly Bill No. 13—An Act to provide for the taking down of the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor	50,000 00
17,	Assembly Bill No. 27—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof	25,000 00
18,	Assembly Bill No. 41—An Act appropriating $40,000 for carrying out the purposes of an Act approved March 18, 1905	40,000 00
18,	Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California	18,000 00
21,	Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor	15,000 00
21,	Assembly Bill No. 52—An Act to increase the fixed annual appropriations for the Veterans' Home of California, located at Yountville, Napa County, California, from sixty-five thousand dollars per annum to seventy-five thousand dollars per annum	75,000 00
21,	Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California	5,150 00
21,	Assembly Bill No. 54—An Act making an appropriation for improving the water supply of the Veterans' Home of California	24,000 00
21,	Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California	6,500 00
21,	Assembly Bill No. 56—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California	12,000 00
21,	Assembly Bill No. 57—An Act to amend Section 5 of an Act approved March 11, 1897, entitled an Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California, to the tract of land in Napa County, known as the Veterans' Home	

Jan. 21, Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville $13,125 00

21, Assembly Bill No. 70—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California 18,000 00

21, Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans 10,000 00

21, Assembly Bill No. 97—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville 132,000 00

21, Assembly Bill No. 110—An Act making an appropriation for the erection of a monument in the State Burial Plot at Sacramento to the memory of Hon. Edward P. Colgan 1,500 00

21, Assembly Bill No. 137—An Act making an appropriation for searching for beneficial insects 12,000 00

21, Assembly Bill No. 146—An Act appropriating money providing for an exhibit at Jamestown Exposition 60,000 00

21, Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco 25,000 00

21, Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court 15,000 00

21, Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of Justices of the Supreme Court for the current fiscal year 9,100 00

21, Assembly Bill No. 161—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor 68,000 00

21, Assembly Bill No. 162—An Act making appropriation for the construction and furnishing of dormitory building at the California Polytechnic School 50,000 00

21, Assembly Bill No. 163—An Act making an appropriation for the purchase of land and of water supply at the California Polytechnic School 15,000 00

21, Assembly Bill No. 167—An Act to amend an Act entitled an Act appropriating money for building an assembly hall at the Preston School of Industry.

23, Assembly Bill No. 222—An Act to amend Section 10 of an Act entitled an Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home.

23, Assembly Bill No. 337—An Act making an appropriation of $1,621 to repay the Regents of the University of California for moneys appropriated by them to rebuild a barn of the Lick Observatory 1,621 00

23, Assembly Bill No. 338—An Act making an appropriation of $5,000 for the purpose of completing the photographic laboratory in combination with a fireproof vault 5,000 00

23, Assembly Bill No. 343—An Act providing for an appropriation of $8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento, California 8,000 00

24, Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot, at Sacramento, to the memory of Hon. Edward P. Colgan 1,500 00

24, Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument at Coloma 173 30

24, Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years 15,000 00

24, Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year 1,135 60

24, Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller Edward P. Colgan 921 50

24, Assembly Bill No. 433—An Act appropriating money to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years 800 00

25, Assembly Bill No. 344—An Act to make an appropriation to pay the deficiency in the appropriation of postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years 3,000 00

Jan. 26,	Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled an Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute	$100,000 00
26,	Assembly Bill No. 394—An Act amendatory of an Act entitled an Act to create a drainage district, to be called Sacramento Drainage District	25,000 00
26,	Assembly Bill No. 396—An Act to appropriate $100,000 to pay the unpaid scrip of delegates to the convention framing the Constitution of the State of California	100,000 00
26,	Assembly Bill No. 397—An Act to appropriate the sum of $600 to pay the unpaid scrip issued to delegates to the convention framing the Constitution of the State of California	600 00
26,	Assembly Bill No. 414—An Act to aid the county of Modoc in the construction of permanent work on the county road between Alturas and Cedarville	3,500 00
26,	Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court	5,000 00
26,	Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects	12,000 00
26,	Assembly Bill No. 435—An Act to provide for the payment of the bounty to Joseph Schwindel	120 00
26,	Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year	750 00
26,	Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years	1,000 00
26,	Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred as special counsel for the State of California in the matter of the extradition of George D. Collins	9,500 00
26,	Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation of postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year	200 00
26,	Assembly Bill No. 480—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years	3,800 00
26,	Assembly Bill No. 481—An Act appropriating money to pay the rental cost of moving, and other necessary expenses incurred and to be incurred	10,000 00
26,	Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the Board of Examiners under appropriation made by an Act to appropriate money to protect the banks of Eel River	600 00
26,	Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court	3,000 00
	Total	$1,066,596 40

Bills Reported Favorably.

Jan. 24,	Assembly Bill No. 429	$173 30
24,	Assembly Bill No. 430	15,000 00
24,	Assembly Bill No. 431	1,135 60
24,	Assembly Bill No. 432	921 50
24,	Assembly Bill No. 433	800 00
25,	Assembly Bill No. 476	750 00
26,	Assembly Bill No. 477	1,000 00
26,	Assembly Bill No. 478	9,500 00
26,	Assembly Bill No. 479	200 00
26,	Assembly Bill No. 480	3,800 00
26,	Assembly Bill No. 481	10,000 00
26,	Assembly Bill No. 482	600 00
26,	Assembly Bill No. 483	3,000 00
	Total	$46,880 40

Total amount of appropriations referred to committee to date	$1,066,596 40
Total appropriations reported favorably	46,880 40
Total appropriations remaining in hands of committee	1,019,716 00

Respectfully submitted.

ESTUDILLO, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 104—An Act entitled "An Act to amend Section 685 of the Code of Civil Procedure

of the State of California"—report the same back, with three amendments, and recommend its passage as amended.

Also: Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, providing for a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in cases before said Superior Court—report the same back, and recommend that it do pass.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 8—Proposing an amendment to Article IX of the State Constitution, relative to the public school system and tax—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same be adopted as amended.

Also: Assembly Constitutional Amendment No 5—Relative to proposing to the people of the State of California an amendment to the State Constitution, relating to Boards of Education and text-books, and providing for free text-books—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

Also: Assembly Constitutional Amendment No. 7—Relative to proposing an amendment to Section 5 of Article XI of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

WESKE, Chairman.

The above reported Assembly Constitutional Amendments Nos. 7 and 8 ordered on file.

On motion, Assembly Constitutional Amendment No. 5 was taken up for consideration.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education and text-books, and providing for free text-books.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, one thousand nine hundred and seven and two thirds of all the members elected to each of the houses of Legislature voting in favor thereof, hereby proposes that Section 7 of Article IX of the Constitution of the State of California be amended so as to read as follows:

SECTION 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professors of pedagogy therein, and the principals of the State Normal Schools, shall constitute the State Board of Education, and shall compile or cause to be compiled, and adopt a uniform system of text-books for use in the common schools throughout the State; and shall perform such other duties as may be prescribed by law. The Legislature shall provide for the printing and publishing of such text-books, when adopted, by the Superintendent of State Printing at the State Printing Office, and for the distribution of the same for use in the common schools throughout the State, free of any charge, to all children attending such schools, under such restrictions and regulations as the Legislature may hereafter provide. The text-books so adopted shall continue in use not less than four years. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards shall have control of the examination of teachers, and the granting of teachers' certificates within their respective jurisdictions.

Assembly Constitutional Amendment No. 5 read.

Mr. Sackett moved the adoption of the following amendment:

Strike out "and the principals of the State normal schools," after the word "therein," line 10, page 1 of printed bill, and inserting in lieu thereof the following: "And five other members, to be appointed by the Governor, as follows: One a principal of a California State normal school, to hold for a term of five years; one a city, city and county, or county superintendent of schools of California, to hold for a term of four years; one a high school principal of California, to hold for a term of three years; one a member of the faculty of a California polytechnic school of recognized standing, who has been specially prepared to teach manual training, to hold for a term of two years; one a business man of California of recognized ability, to hold for a term of one year; *provided*, that when any member ceases to hold a position equivalent to that which he held at the time of his appointment, he shall cease to be a member of the board, and the Governor shall appoint for the unexpired term."

Amendment adopted.

Assembly Constitutional Amendment No. 5 ordered to print.

ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Building and Loan Associations, to whom was referred Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

OTIS, Chairman.

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners, in accordance with the provisions of law).

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Assembly Bill No. 218—An Act allowing certain pensions for employés of twenty-one years and upwards of continued service by the State of California in one or more of the public institutions of this State, and providing for the payment thereof.

Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

HANS, Chairman.

The above reported engrossed bills ordered on file for third reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Also: Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm water drains within municipalities.

Have had the same under consideration and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 371—An Act authorizing municpalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass, as amended.

JURY, Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

HANS, Chairman.

The above reported engrossed bills ordered on file for third reading.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

SPAULDING, Chairman.

Assembly Bill No. 249 ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding subdivision 19 thereto—have had the same under consideration, and respectfully report the same back with amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 116—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Also: Assembly Bill No. 118—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

THOMPSON of Los Angeles, Chairman.

The above reported bills ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE.

The following report from special committee, heretofore appointed, was received and ordered printed in the Journal without reading:

REPORT OF SPECIAL COMMITTEE ON STATE PRISON REFORM.

At the thirty-sixth session of the Legislature of California, which was held in the year 1905, the Assembly appointed a special committee consisting of General Frank C. Prescott, Hon. Miguel Estudillo, Hon. C. H. McKenney, Hon. P. J. Arnerich, and Hon. E. J. Lynch, to report fully to the Assembly at its next session, to be held in the year 1907, in accordance with the following resolution:

WHEREAS, The special committee appointed at the last session of the Assembly to consider the question of State prison reform performed its duties in a most satisfactory manner and presented a report accompanied by a number of proposed bills covering a complete system of reform in the prisons of California, the Preston School of Industry, and the State School at Whittier; therefore, be it

Resolved by the Assembly, That a committee, consisting of the Speaker and four Assemblymen to be selected by him, be appointed for the purpose of completing the work so auspiciously begun by the holdover committee referred to, with instructions to investigate any changes or improvements in the construction or arrangements of buildings and in the system of managing the prisons, reform schools, and jails, and all places of detention for prisoners in this State, including in such investigation their system of keeping accounts, methods of punishment, dietary, segregation of inmates as regards both sex and age, and all other matters pertaining to the management of said prisons and reformatories, with a view to maintaining them fully up to the best standards of such institutions in the United States, and with instructions to report in full their findings to the next session of the Legislature. And said committee is hereby authorized to visit

and investigate said prisons and reformatories, their systems and management, and accounts, construction, etc., with a right to examine any and all persons connected with said institutions, whether officers, employés, or prisoners. And said committee is hereby authorized to employ a clerk to assist them in their work. The Superintendent of State Printing is hereby directed to print such matter as said committee may require at any time.

Said committee shall be entitled to receive, payable out of the Contingent Fund of the Assembly, such sums, or sum, as may be necessary to defray their necessary traveling expenses, incidental to such examination and investigations, and such sum as may be required to pay the clerk employed by them under and by virtue of this resolution.

The committee reports as follows:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1907.

MR. SPEAKER: Your Committee on State Prison Reform, appointed by the Speaker at the close of the last session of the Legislature in accordance with the resolution passed by the Assembly, organized with the Hon. Frank C. Prescott as chairman. Later on the Hon. Frank C. Prescott resigned as chairman of the committee, and the other members thereupon elected the Hon. Miguel Estudillo as chairman of the said committee, for the purpose of completing the work begun by the hold-over committee of the previous session, with instructions to investigate any changes or improvements in the construction or arrangement of buildings in the system of managing the prisons, reform schools, and jails, and all places of detention in the State.

The committee, on different occasions, visited the penal and reformatory institutions of the State of California, the first visit of the committee having been made to San Quentin, in the month of March, 1906.

The different members of the committee visited the institutions of this State at different times separately, as well as in a body, making observations and studying the methods in the said institutions.

A later visit was made by the committee to San Quentin on the 18th day of December, 1906; and from all the observations made the committee submits a few facts which it believes may prove of some benefit to the public.

We suggest that in order to make a thorough study of the prison system the committees hereafter, if any are appointed, should detail a man to spend at least six months in visiting the institutions, staying several weeks at each institution, for the purpose.

We had heard a great deal of complaint during the last session of the Legislature about the supply of jute bags, and the complaint is audible even now. It has been stated that a good many of the farmers in different parts of the State could not get a supply of jute bags when needed, the same statement being made now; that the bags were being furnished to a favorite few, in violation of the law which provides that no more than 5,000 sacks can be furnished or sold to any one person during the season. In our investigations we have tried to be fair, we have not had any political ax to grind, neither has it been the intention of the committee to make political thunder for any party or faction. We have investigated this complaint and find that the sale of sacks at the prison is governed like everything else in the commercial world, by the law of supply and demand; that the demand in the last two or three years has been so great that it is impossible for the prison to keep up with it, and consequently a great many applications for jute bags which came in too late were not filled. We are not prepared to say that in some cases the law has not been violated by reason of jobbers getting control of the sacks; but in those cases, we believe it has been done by several farmers putting in an application through a local jobber, and allowing the said jobber to handle the sacks. Further, perhaps, the law can be amended, so that this evil may be remedied.

MANAGEMENT.—As far as the committee was able to see, everything in the prison was working in good order. The officers and the warden seemed to be working in accord, and the committee received the cheerful information that no opium was being introduced into the prison under the present management.

The bill of fare provided the prisoners seems to be substantial and wholesome, and we dare say that there are a great many people not confined within prison walls that get no better food than do the prisoners in our State prisons.

A comparison of the bills of fare of our penal institutions and those of other states convinces us that California feeds its unfortunate and bad men better than any other State in the Union, and far better than any foreign nation. We dare say that no foreign nation has such pleasant surroundings as our penal institutions. We are of the opinion that our prisons, with the faults that we seem to believe they have, are like palaces compared with those of foreign nations. We believe that the prisoners should have wholesome food; we believe that they should be treated humanely; that is, just as humanely as the existing conditions will justify; but we doubt very much whether a certain class, the yeggman, for example, can be reformed when they have a bill of fare, as the following, for instance:

MONDAY.

Breakfast—Oatmeal mush, boiled beans, syrup, bread and coffee.
Dinner—Baked beans, salt pork, steamed potatoes, bread and coffee.
Supper—Boiled beans, bread and tea.

TUESDAY.

Breakfast—Beefsteak, brown gravy, steamed potatoes, boiled beans, bread and coffee.
Dinner—Beef stew with vegetables and maccaroni, beans, bread and coffee.
Supper—Boiled beans, steamed potatoes, bread and coffee.

WEDNESDAY.

Breakfast—Boiled rice, boiled beans, bread and coffee, three ounces brown sugar.
Dinner—Boiled cabbage, boiled beans, pork, hash, bread and coffee.
Supper—Stewed dried fruit, corn bread, bread and coffee.

THURSDAY.

Breakfast—Beefsteak, brown gravy, boiled beans, steamed potatoes, bread and coffee.
Dinner—Beef stew, beans, bread and coffee.
Supper—Boiled beans, bread and tea.

FRIDAY.

Breakfast—Oatmeal mush, boiled beans, syrup, bread and coffee.
Dinner—Fresh fish or salt cod-fish, bread and coffee.
Supper—Stewed dried fruit, biscuits, bread and tea.

SATURDAY.

Breakfast—Beefsteak, brown gravy, boiled beans, stewed potatoes, bread and coffee.
Dinner—Beef stew with vegetables and maccaroni, bread and coffee, beans.
Supper—Rice pudding or spanish beans, bread and tea.

SUNDAY.

Breakfast—Boiled beans, corn hominy, steamed potatoes, three ounces brown sugar, bread and coffee.
Dinner 2 P. M.—Boiled beef, boiled beans, steamed potatoes, stewed dried fruit, ginger cake, bread and coffee.

We have known of cases where hoboes and yeggmen have deliberately thrown themselves in the way of the eagle-eyed officer for the sake of spending a few days at the city or county bastile We have heard of instances where prisoners, after obtaining their liberty, have "with malice aforethought, etc," committed another crime in order to get back to our State prisons, they have liked them so well, so it is said. It will be understood that our remarks apply to those incorrigibles—not to those unfortunates who in a moment of weakness have yielded to temptation, and have fallen—to those veterans of crime that are beyond redemption; those who are bound together by an oath to commit crime to get a living by every and all means except honest labor; bound together by an oath stronger than that which binds the members of many of our secret societies.

The work of removing the hill for the building of the additions to the prison contemplated by the last Legislature, and for which an appropriation was made, is progressing satisfactorily, and the opinion of the engineer in charge is that it will be cleared away in about one year from the present time. However, the construction of new buildings will begin long before that. It is claimed at the prison that there are not enough persons employed in this work for the reason that they are employed at the jute mill and in other occupations to help in the management of the prison.

However, there are now employed upon this work a consulting engineer at $300 per month, an assistant engineer at $250 per month, and a general manager at $200, an assistant foreman at $75 per month, and a superintendent at $75 per month, making a total of $900 per month. It seems to the committee that this is a useless waste of money at the present time, when there is such a heavy drain, such a strong demand made upon the State treasury. It would be well to decrease this heavy expense somewhat and in some way.

We find that there are a great many young men confined within the walls of San Quentin prison whose education has been neglected in the past. The Warden is keenly alive to the situation, consequently he has established a school taught by the chaplain of the prison, and the young fellows are required to go to school two or three hours a day when they can be spared from the labors of the prison.

We found that the four-story brick building within the prison yard known as the furniture factory building is partly unoccupied and without use. We cannot understand, under the present congested condition of the said prison, why this should be so, as the said building in our opinion is one of the most substantial edifices in the State of California. It resisted the earthquake that crushed the buildings of a good part of San Francisco like so many egg shells. We respectfully recommend that the said building be put to some use.

The committee wishes to report that at San Quentin there are not enough houses belonging to the State to house the officers and their families. Some of the officers, with families, and some of the guards are obliged to seek houses to live in in the town of San Quentin. This is necessary, as the guards must live near the prison if they wish to live with their families and at the same time perform their duties faithfully. Now it happens that all the land within the prison area is controlled by a few landlords who seem to be averse to putting up comfortable houses for tenants to live in, and we understand

that they do not wish to sell in order that others might put up buildings on the land sufficient for the decent accommodation of their tenants. The conditions are such that the employés around the prison have held indignation meetings, appointed committees to investigate and report to the State Board of Prison Directors and to petition the said board for relief. It seems that the only way to remedy the conditions existing would be through an appropriation by the State for the erection of a number of houses for the employés. It is estimated that it would cost the State about $20,000 for the erection of those houses. This investment would not be an entire loss to the State, but the State could reimburse itself from the rental of those houses to the employés, and the employés would be benefited, for their house rent would be only about half of what they have to pay at the present time. This would be doing justice to the employés, as we understand that their salaries are fixed on a basis which contemplates that the employés would buy their provisions from the State and rent their homes from the State at lower rates and prices than they could from private parties. The value of the property rented to the employés ranges from $300 to $1,200, for which a rental of $10 per month is exacted, and four families are crowded into one house, making an aggregate rental of $40 therefor. We are also informed that the exorbitant rent is not all the employés complain of, but that the sanitary provisions of the said houses are not the best in the world. It might be claimed that the guards and employés of the prisons could hire better accommodations, but it is the height of folly to expect this of men who get the salaries that the State employés at San Quentin are getting.

FOLSOM PRISON.—Your committee visited Folsom prison on different occasions and find that conditions there are in very good shape as far as the management is concerned. The work of erecting the building for the incarceration of the insane prisoners is progressing in a satisfactory manner The wall around the prison is also progressing in a fair and satisfactory manner. We doubt the wisdom of the expenditure entailed in the building of this wall as it will not be of any great benefit to the prison. We are told that the prisoners will be obliged to go outside of the wall to work after the said wall is completed.

Our idea is that the wall to be of any special benefit would have to be built to enclose a larger piece of ground than the present prison wall. We believe that the Legislature should, in the near future, make an appropriation to build a building for the Warden and his staff of assistants, as it is not advisable in our opinion, for the sake of safety, if nothing else, after the wall is completed to have the home and the office of the Warden within the prison wall. It is estimated that a house for the Warden would cost about $10,000.

We would also call attention to the fact that there will be no work for the prisoners at Folsom in the near future, and that the State will have to do something to keep the prisoners employed at this institution. We understand that it has not been considered good policy to establish any manufactories in our penal institutions, for the reason that the products of the same would compete with free labor. Granting this to be true, we would suggest that there are some lines of industry in which the prisoners can be engaged, and which would not compete with the free labor of our State. The necessity for the teaching of trades is apparent from the fact that such a large number of prisoners who can read and write have never learned any craft by which they can earn an honest living. Our penal institutions are a very poor investment, indeed, if, after supporting and keeping its prisoners for years it turns them out upon the world without a trade or without any means of making a living. We believe that this is wrong. They should be taught some trade. They should be made self-supporting, as it means a saving to the State of a good many thousands of dollars.

We would suggest the establishment of a toy factory at Folsom. We believe that it would be money well spent, and the investment would be amply repaid by the good the prisoners would derive from the same. We do not recall any industry in the United States that would suffer were a toy factory established at Folsom. Neither would a toy factory injure any labor in the State, as all the toys are imported into the State.

It should never be forgotten that reformation, even more than punishment and confinement, should be the object of our State prisons. But we recognize that some form of punishment is absolutely necessary. The Wardens and officers have not Sunday-school boys to deal with, but men who believe that the hand of every other man is against them, and theirs against society in general. If the punishment of prisoners is cruel, if the power of punishment is abused, the remedy is with the people—the cause and the blame for the abuse of power must rest upon the management. It is easy enough to remedy the evil. We know that it requires strong men to handle our penal institutions, men with nerves of steel, but human kindness is not wanting in strong men; and therefore, if any man at the head of our institutions proves to be a tyrant, a Nero, in administering the punishment necessary, instead of a wise, fair and impartial judge, his official head should be cut off.

PUNISHMENT.—The strait-jacket is still in vogue at the prisons, but we understand that it is used with more mildness than in the past. Now instead of putting a man in the strait-jacket all the way from twenty-four to one hundred and forty hours, he is confined in the strait-jacket not exceeding six hours at a time. The Warden stated to the committee that the strait jacket is used six hours on a prisoner; then it is taken off and the prisoner allowed to rest for six hours before it is put on him again. In some instances it is put on for two hours only.

PAROLE SYSTEM.—A great cry has gone forth in the last few years that our prisons are being rapidly filled; that there is insufficient accommodations for those newly com-

mitted; that the segregate system should be adopted; that the congregate system gives opportunity for the commission of unspeakable crimes in the cells where several are huddled together. We believe that there is a method by which this congested condition of the prisons could be relieved, and that instead of building more and larger prisons, we should have some system of releasing the prisoners, and relieving, as stated above, the congestion. We refer to the parole system. We do not believe that sufficient consideration to the paroling of prisoners is being given or has been given in the past. (We say this without any desire of criticising any person or persons in particular) The prisoners should be paroled, provided, of course, that they behave well in confinement. Except the vicious and totally depraved, prisoners should under the law and proper rules and regulations, be granted parole, if there exists a reasonable prospect of their becoming self-sustaining in some honest and honorable occupation.

We have the authority of the Warden that there are about two hundred men at Folsom who should be paroled at the present time. This is an argument in favor of the parole system that we advocate. Taking 200 men from 1100 now confined in that prison, it would leave 900. This means a saving of a good many thousand dollars to the State. A few facts will bear out our statement in this regard.

The number of persons paroled from San Quentin Prison from March, 1889, up to December 3, 1906, a period of 17¾ years is 223, while the State of Illinois paroles more than three times this number in a single year, and other states more than double this number annually.

The number of applications for parole up to December 18, 1906, was 526 approximately. These figures are but an approximation, but are very probably correct or nearly so. The parole book and records were destroyed in the fire in San Francisco last April, in the office of the State Board of Prison Directors, and therefore accurate data on the subject is not obtainable.

Applications for parole on file December 18, 1906, twenty-six.

This represents but a technical readiness for parole on the part of ten of these; that is to say, while the technical papers were complete, that there was so little placed in evidence by the applicant outside of these technical papers that there was practically nothing for the Board to base their opinion upon at the time of considering these applications, namely, December 8, 1906, at which time there were 74 applications on file, all of which, at that time, were taken under consideration and acted upon by the Board.

CALIFORNIA STATE PRISON AT SAN QUENTIN.

Official Census, December 18, 1906.

Population 1,540, divided as follows:

Chinese	50
Females	26
Indians	10
Japanese	8
Negroes	66
Caucasians	1,380
On hand	1,540
At asylums	21
On parole	54
Total	1,615

Condemned	8
Life	187
Recidivists	323
United States prisoners	55

The number of prisoners actually in the prison on December 18, 1906, as shown by the above table, was 1,540. Eliminating recidivists, in the State of California, those who had several terms for felonies in penal institutions of other states or countries, United States prisoners, life prisoners, and all those who had not served one calendar year, there remained 653 prisoners in San Quentin prison on that date, who were eligible for parole under the existing parole law. Of these ninety-three had served terms varying from five to eighteen consecutive years, actual time.

Of the 187 life prisoners who were imprisoned in the San Quentin Prison on the 18th day of December, 1906, sixty-seven were eligible for parole under the provision of the parole law requiring that a life prisoner must serve at least seven calendar years, as follows:

Had served over 30 years, actual time	2
Had served between 25 and 30 years, actual time	4
Had served between 20 and 25 years, actual time	8
Had served between 15 and 20 years, actual time	12
Had served between 10 and 15 years, actual time	22
Had served between 7 and 10 years, actual time	19
Total	67

Of these 10 were Chinese.
Total eligible for parole, 720.
Total eligible for parole, 47%.
Life prisoners eligible for parole, 35%.

For some reason or other these prisoners are not paroled. We would suggest the organization of a separate parole board with the same power, for instance, as the Illinois board possesses of pardoning and paroling. We believe that this would be conducive to the reformation of men to a greater extent than keeping them within the walls of a prison. If men were paroled and given to understand that their future salvation and restoration to liberty was in themselves, they would be more apt to make a strong effort to reform themselves and become useful citizens of the commonwealth. It seems to me that the men that manage prisons should have no more power to let a man out of prison than they have to put him in there. They should have the power to recommend but not to parole. The gradation of prisoners should also be established, and in some instances the stripes removed as reward for good behavior. The committee has introduced bills which embody the ideas herein endeavored to be conveyed.

While we recognize that the prison authorities must have control of the correspondence of the prisoners, we think that in certain instances the letter privilege should be granted to the prisoners; this privilege to be based on good conduct, and as a reward.

WHITTIER—Your committee, in the month of December, 1906, visited the State reform school located at Whittier. This school is located in what seems to the committee an ideal spot for the location of such an institution. The State owns a tract of 160 acres of land, provided with 5 inches of water for irrigation purposes. A cement reservoir has been built, but additional water rights will have to be secured or purchased or wells will have to be sunk and a new pumping plant installed to meet the requirements of the near future. The buildings are good and sightly. The State has a lot of money invested in this institution and a good deal more in the buildings and in the machinery to run the institution.

We understand that an effort will be made to secure the passage of a bill providing an appropriation for the purchase of a tract of 40 acres of land contiguous to the State lands at Whittier.

While the purchase of this forty-acre tract would make the Whittier institution an ideal farm, we believe that the price asked for the land is high; that there is no immediate necessity for the purchase of the land. Further, if it should prove necessary to purchase the said tract of land, the institution, it seems, could wait until the treasury has more money with which to do it. The State is groaning under the pressure of demands made upon it through our late catastrophe and the increasing daily expenses for the management of the State government.

That the price asked for the aforesaid forty acres is high is evidenced by the language used by the members of the Board of Trustees, in their report submitted to the Governor in July, 1906. Say these honorable gentlemen: "The price asked seems very high, but it is well worth it for the State to own this forty acres, which lie contiguous to the State farm, etc."

During fourteen years, beginning July 1, 1892, and ending June 30, 1906, the State has appropriated for the support of Whittier $1,456,026, or about $100,000 per year. The average daily attendance has been about 334. This makes the average per capita cost to the State about $300 per year per child in addition to what the institution produced and consumed on the place.

We believe that this State institution pays; we believe that it will accomplish what it is and was intended to accomplish—the reformation of the bad boys of the country. The delinquent haled into court is the victim of circumstances largely. The authorities, like every other business man, should and I have no doubt do study the raw material from which they make the finished product, that of good citizenship. We believe the management at Whittier is doing this to the best of their ability and with the means at their command. We believe, however, that there is something lacking in the school system in vogue at Whittier—we refer to the manual training. That feature of the education of the Whittier pupils seems to have been overlooked. We recommend that steps be taken to have this defect in the education of the Whittier pupils remedied.

We recommend the building of a hospital at Whittier for the use of the school. The present hospital arrangements are inadequate. This was demonstrated by an epidemic of typhoid fever in the school lately. The patients were kept in a building necessarily occupied by the others who were not sick. Members of this committee saw three typhoid-fever patients in the building that is needed for other than hospital purposes. It is estimated that $7,500 or $10,000 will provide for a building which will answer the purposes of a hospital, and thereby prevent jeopardizing the health of the entire population of this splendid State school during epidemics.

We respectfully recommend that this be done whenever the finances of the State justify the expenditure. The provisions of the law passed by the last Legislature, and approved March 7, 1905, requiring the Board of Trustees of Whittier to cause all male inmates of the school over sixteen years of age to be transferred to the Preston School of Industry, have not been carried out. The reason for this failure is that the said board has not had the necessary funds to do it with.

The need for a proper parole officer for Whittier is best expressed in the following extract from the report of the Superintendent of the said institution: "A great part of the work accomplished by the school is lost in not having a proper parole officer who would visit the homes of paroled boys and girls and secure homes for those who, by their good conduct and satisfactory advancement, deserve to be paroled." We fully concur and agree with this part of the Superintendent's report. The officers of the school do the best they can with this feature of the school, but they have not the time

or the funds at their command to attend to it in the proper manner that a parole officer could, with nothing else to command his attention.

We found the children under good discipline, and apparently in the happiest of moods, as was evidenced by their joyous laughter on the ball fields. The management of the school is good. However, we would recommend the establishment of a manual training school.

The charge had been made that the children had been or were cruelly punished, and one charge in particular was brought to the attention of the committee, namely, that of Mrs. Angelina Baker, who has or had two boys at Whittier. She claimed in a communication that one of her children had been beaten and punished until blood flowed from its limbs. The committee found that the child had been punished, but not in the manner charged. He had been punished for violating the rules of the school, once by running away, and another time for smoking cigarettes, both being in violation of the rules of the school. We believe the authorities at the school were fully justified in punishing the Baker boy.

THE PRESTON SCHOOL OF INDUSTRY.—This institution is situated near the town of Ione, in Amador County, and is under the management of a board of three trustees, each of whom is well qualified to perform the duties devolving upon the office, because of constant and intelligent consideration given to all of the many matters arising in the conduct of the school. They are doing their best to make this institution what its name implies, a school of industry—a place where the boy born wrong or gone wrong may acquire habits of industry and be taught the use of his hands, the use of tools, and the use of implements and the use of machinery, in order that when the time to leave arrives, he may enter the walks of life trod by his more fortunate brothers and become an honorable and useful member of society.

Here, the recall feature of the procedure of the juvenile court is proving quite unsatisfactory. When a committing magistrate recalls a cadet from the school he creates a dissatisfied condition of mind in those remaining in the school who have no hope of such leniency. In order that proper discipline may be maintained, all cadets should look forward to the same people and receive their discharge through the same channels.

The recall feature is well calculated to cause discord and dissatisfaction among cadets not recalled, while he who has a possible recall to look forward to cannot bring himself to a state of mind which makes it possible for either the influences surrounding him or the efforts of the teachers or officers for his betterment to have any satisfactory effect.

The Preston School of Industry should be put on a higher plane of efficiency by employing more officers and teachers and by paying better salaries than are at present paid. There are in its employ a number of skilled men mechanics and others whose help can not be dispensed with, and at this time when every class of skilled labor is in great demand, and wages are mounting higher and higher, the appropriation for support and salaries for the fifty-ninth and sixtieth fiscal years should be increased from $75,000 and $55,000 asked by the Board of Trustees to $80,000 and $75,000, respectively.

STATEMENT OF EXPENSES OF THE SPECIAL COMMITTEE ON STATE PRISON REFORM.

Miguel Estudillo	$135 00
C. H. McKenney	155 00
P. J. Arnerich	185 00
E. J. Lynch	200 00
Stamps	10 00
Stenographer	25 00
Telephoning	7 00
Telegraphing	8 00
	$725 00

Respectfully submitted.

MIGUEL ESTUDILLO, Chairman.
C. H. McKENNEY.
P. J. ARNERICH.
E. J. LYNCH.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Senate Bill No. 81—An Act to amend Section 1 of an Act entitled, "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of a "Law Library Fund."

Also: Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant.

Senate Bill No. 81 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 164 read first time, and referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Lynch: Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sackett: Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

Bill read first time, and referred to Committee on Education.

By Mr. Sackett: Assembly Bill No. 510—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1893, relating to persons or societies using the names of schools, high schools, colleges or universities without consent of trustees, and making penalty for same.

Bill read first time, and referred to Committee on Education.

By Mr. Hans: Assembly Bill No. 511—An Act to amend an Act entitled "An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of the State," approved March 5, 1903.

Bill read first time, and referred to Committee on Education.

By Mr. Wilson: Assembly Bill No. 512—An Act regulating hours of labor of women, providing for the enforcement hereof by the commissioners of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof."

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. McClellan: Assembly Bill No. 514—An Act to provide for the organization, management and control of mutual fire insurance corporations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Berry: Assembly Bill No. 515—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 646*b*, relating to the payment of fees for the shipment of seamen and apprentices.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 516—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 646*a*, relating to the shipment of seamen and apprentices, and the fees that may be charged therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 517—An Act to appropriate $20,000 out of any money in the State treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Thompson: Assembly Bill No. 518—An Act to add a new section to the Code of Civil Procedure, to be designated Section 1166*a*, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Forbes: Assembly Bill No. 519—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation.

By Mr. Higgins: Assembly Bill No. 520—An Act to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and permitting municipal corporations of the sixth class to incur certain indebtedness during the first year of their existence.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Coghlan: Assembly Bill No. 521—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines and compounding physicians' prescriptions, and providing a penalty for the violation thereof."

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Johnson of Sacramento: Assembly Bill No. 523—An Act to add a new section to the Civil Code, to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 524—An Act to add a new section to the Penal Code, to be known as Section 393*a*, to provide for the giving of notice of accidents occurring on any railroad in California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cutten: Assembly Bill No. 525—An Act to appropriate money for the purpose of constructing object-lesson oiled roads in different sections of the State.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Drew: Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 527—An Act entitled "An Act to amend Section 671 of the Civil Code."

Bill read first time, and referred to Committee on Judiciary.

By Mr. Whitmore: Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants and other municipal securities which have become defaced or mutilated.

Bill read first time, and referred to Committee on Municipal Corporations.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Pyle:

WHEREAS, A number of bills have been and will be referred to the Committee on Public Buildings and Grounds, calling for appropriation of money and the improvement of the State buildings;

Resolved, That the Committee on Public Buildings and Grounds, consisting of the following members, namely: Messrs. E. M. Pyle, Mel Vogel, Nathan C. Coghlan, W. F. Chandler, Robson O. Bell, Hugo Hartmann, W. J. Costar, Guy W. Smith, W. F. Ludington, Charles M. Fisher, and Louis Strohl, be and they are hereby authorized to visit the State Normal School at Chico, and the State Normal School at San Diego, State Polytechnic School at San Luis Obispo, Custom House at Monterey, and other State buildings, for the purpose of enabling the committee to act intelligently upon bills that now are or may come before it, and that the members above named are hereby granted leave of absence for said purpose.

Resolution read, and referred to Committee on Rules and Regulations.

By Mr. Wyatt:

Resolved, That the name of Abe Green, heretofore appearing upon the roll of employés of this Assembly as a stenographer at $5 per day, be dropped therefrom, and that in place thereof J. J. Bairos be and he is hereby appointed an Assistant Sergeant-at-Arms at a salary of $5 per day, such appointment to date from this day, and the State Controller is authorized to draw his warrants for such per diem and the State Treasurer to pay the same.

Resolution read, and, on motion, adopted.

RE-REFERENCE OF BILLS.

On motion of Mr. Hammon, Assembly Bill No. 69 was recalled from Committee on Universities and referred to Committee on Judiciary.

RESOLUTION.

By Mr. Drew:

Resolved, That no report on any bill shall be made by any committee of this House without first giving the author of the bill an opportunity to be heard in committee, by written notice, of the time of consideration, and all bills heretofore reported may be re-referred on motion of author.

Resolution read, and referred to Committee on Rules and Regulations.

RE-REFERENCE OF BILL.

On motion of Mr. Drew, Assembly Bill No. 249 was re-referred to Committee on Banks and Banking.

Mr. Pyle moved that Assembly Bill No. 137 be stricken from the file.

Motion carried, and bill ordered stricken from the file.

REPORT OF SPECIAL COMMITTEE.

The following report was received:

ON STATE PRISON REFORM.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your special committee on State Prison Reform, appointed at the close of the twenty-sixth session of the Legislature, to consider and devise means for the improvement of the State prison system of the State of California, beg leave to report

that they have submitted their report with accompanying bills; and that they have incurred, in the discharge of their duties, the following expenses:

Miguel Estudillo	$135 00
C. H. McKenney	155 00
P. J. Arnerich	185 00
E. J. Lynch	200 00
Stamps	10 00
Stenographer	25 00
Telephoning	7 00
Telegraphing	8 00
	$725 00

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of Miguel Estudillo for the sum of $725, to be paid out of the Contingent Fund of the Assembly; and the Treasurer is hereby directed to pay the same.

All of which is respectfully submitted.

ESTUDILLO, Chairman.

Report and resolution read, and referred to Committee on Contingent Expenses and Accounts.

RESOLUTIONS.

The following resolutions were offered:

By Mr O'Brien:

Resolved, That Mrs. Ellen Burke be and she is hereby elected an employé of the Assembly, to serve during the thirty-seventh session of the Legislature, beginning January 20, 1907, in the capacity of Secretary to the Speaker, at a per diem of $8, said per diem to be paid out of the appropriation for contingent expenses of the Assembly.

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Cogswell, Cornish, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

NOES—None.

By Mr. Cutten:

Resolved, That the Committee on Commerce and Navigation, consisting of Assemblymen Cutten, Thompson of San Francisco, Ludington, Leeds, McGuire, Fratessa, Kohlman, Wilson, and Toomey, be and they are hereby granted a leave of absence from and including Wednesday, January 30, 1907, to and including Sunday, February 3, 1907, for the purpose of visiting the harbors of San Francisco, San Pedro, and San Diego in order to thoroughly investigate and be fully competent to pass on the bills that now are or may be before that committee respecting the harbors of the State.

Resolution read, and referred to Committee on Rules and Regulations.

By Mr. Johnson of Sacramento:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of three thousand and four hundred and twenty-eight and four-hundredths dollars ($3.428.04), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

F. R Pullford	$ 120 85
A. J. Johnston Co.	584 90
Scott, Lyman & Stack	377 55
R. O. Kimbrough	9 95
Emil Steinman	37 50
Capital Furniture Mfg. Co.	546 15
John Breuner Co.	750 54
The Thompson-Diggs Co.	10 50
The Schaw-Batcher Co.	7 42
Sunset Telephone & Telegraph Co.	6 00
R. M. Richardson, postmaster	5 60
Mrs. C. Macall	5 00

Capital Box Factory	$1 50
Kane & Trainor Ice Co.	21 00
Wasserman-Kaufman Co.	31 95
H. S. Crocker & Co.	694 80
W. F. Purnell	46 60
Scott, Lyman & Stack	131 00
John Breuner Co.	39 23
Total	$3,428 04

Resolution read, and referred to Committee on Contingent Expenses.

By Mr. Lynch:

Resolved, That the State Printer be and he is hereby directed to print one thousand copies of the report of the Special Committee on Prison and Reform, and to deliver the same to the chairman of said committee for distribution.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—61.

NOES—None.

SPECIAL ORDER.

The special order heretofore set for consideration at this hour was taken up, the reconsideration of the vote whereby the resolution by Mr. Thompson of Los Angeles relative to traveling expenses of standing committees of the Assembly was adopted.

POINTS OF ORDER.

Mr. Devlin made the following points of order:

1. That the time for reconsideration has lapsed, the motion for same not having been made on the next legislative day after the vote on the original motion.

2. That the motion for reconsideration can not be made at this time for the reason that the Assembly has already taken action as a result of the original vote, which can not be reversed, to wit: passing a resolution granting leave of absence to the Committee on State Prisons and Reformatory Institutions, said leave of absence to expire Monday, January 28, 1907.

The Speaker ruled both points of order "not well taken."

Mr. Thompson of Los Angeles moved that the motion to reconsider be laid on the table.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bell, Birdsall, Bush, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Smyth, Stanton, Stetson, Thompson of Los Angeles, Weske, and Wessling—30.

NOES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Bishop, Boyle, Butler, Campbell, Coghlan, Cornish, Cullen, Estudillo, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, McGuire, McMullin, O'Brien, Root, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Toomey, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

By consent, the reconsideration of the vote was postponed until Tuesday, January 29, 1907.

SPECIAL ORDER.

The consideration of Assembly Constitutional Amendment No. 3—Amending Constitution relative to primary elections—set for this hour, was taken up.

On request of Mr. Held, its consideration was set as a special order immediately after the reading of the Journal on Tuesday, January 29, 1907.

THIRD READING OF BILLS.

Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Baxtrr, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Assembly Bill No. 269 ordered transmitted to the Senate.

Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Assembly Bill No. 5 ordered transmitted to the Senate.

RECESS CURTAILED.

On motion of Mr. Eshleman, the time for recess was extended ten minutes.

Assembly Bill No. 11—An Act entitled An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Strohl, Thompson of San Francisco, Whitmore, and Mr. Speaker—53.

NOES—Messrs. Cutten, Stetson, Strobridge, and Thompson of Los Angeles—4.

Title read and approved.

Assembly Bill No. 11 ordered transmitted to the Senate.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly, on motion of Mr. Baxter, was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Bush, Campbell, Case, Collister, Cornish, Costar, Cutten, Davis, Eshleman, Estudillo, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Leeds, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pyle, Root, Sackett, Smyth, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Weske, Wessling, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Assembly Bill No. 152 ordered transmitted to the Senate.

Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the bay of San Diego, or in the entrance thereto.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Collister, Cornish, Costar, Cutten, Devlin, Eshleman, Estudillo, Fisher, Forbes, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Kelly, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, O'Brien, Percival, Pyle, Root, Sackett, Smyth, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Assembly Bill No. 139 ordered transmitted to the Senate.

Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Collister, Cornish, Costar, Davis, Devlin, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Assembly Bill No. 298 ordered transmitted to the Senate.

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Bill read third time.

Mr. Sackett moved that a select committee of one be appointed by the Speaker to amend the bill as follows:

By inserting after the word "including," on line 2, page 1 of printed bill, the following word "legal."

Motion carried.

Mr. Sackett was appointed such committee.

REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month—with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Collister, Cornish, Costar, Cutten, Davis, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Assembly Bill No. 308 ordered transmitted to the Senate.

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash, extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Bill read third time.

Mr. Bishop moved that a select committee of one be appointed to amend the bill as follows:

By inserting the word "at" after the word "interest," in line 21 of page 14 of the printed bill.

Motion carried.

Mr. Bishop was appointed by the Speaker as such select committee.

REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 131, with instructions, do now report that the instructions of the Assembly have been carried out.

BISHOP, Select Committee.

Report of select committee, and amendment, adopted.

Assembly Bill No. 131 ordered to reprint and reëngrossment.

Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Costar, Cutten, Davis, Devlin, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Assembly Bill No. 433 ordered transmitted to the Senate.

Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Birdsall, Bishop, Bush, Butler, Campbell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Assembly Bill No. 432 ordered transmitted to the Senate.

Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Birdsall, Bishop, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, Johnson of Sacramente, Kelly, Leeds, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Assembly Bill No. 431 ordered transmitted to the Senate.

Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read third time and passed on file temporarily.

Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Assembly Bill No. 429 ordered transmitted to the Senate.

Assembly Bill No. 218—An Act allowing certain pensions for employés of twenty-one years and upwards of continued service by the State of California in one or more of the public institutions of this State and providing for the payment thereof.

Bill read third time.

The roll was called, and the bill refused passage by the following vote:

AYES—Messrs. Beban, Berry, Bush, Butler, Johnson of Sacramento, Kelly, Lemon, Strohl, Thompson of San Francisco, Toomey, Wilson, and Mr. Speaker—12.

NOES—Messrs Baxter, Beckett, Bell, Birdsall, Bishop, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strobridge, Thompson of Los Angeles, Weske, Whitmore, and Wyatt.—47.

Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Bill read third time.

The roll was called, and bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strobridge, Thompson of SanFrancisco, Thompson of Los Angeles, Toomey, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Assembly Bill No. 220 ordered transmitted to the Senate.

Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors.

Bill read third time.

Mr. Devlin moved that a select committee of one be appointed by the Speaker to amend Assembly Bill No. 151 as follows:

By striking out the word "one," where it occurs after the word "Section," in line 1 of page 1 of printed bill, and inserting in lieu thereof the figure "1."

Also: By striking out all of section two of the printed bill.

Motion carried.

Mr. Devlin was appointed as such select committee.

REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 151, with instructions, do now report that the instructions of the Assembly have been carried out.

DEVLIN, Select Committee.

Report of select committee and amendment adopted.

Assembly Bill No. 151 ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts.

Bill read third time.

Mr. Sackett moved that a select committee of one be appointed by the Speaker to amend the bill as follows:

On line 4 of the printed bill, the words "action creating new districts void in certain events," shall be printed in italics.

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts"—with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee and amendment adopted.

Assembly Bill No. 299 ordered to reprint, reëngrossment, and on file for passage.

Mr. Estudillo moved that the House resolve itself into Committee of the Whole for the purpose of considering Assembly Bills Nos. 476, 477, 478, 479, 480, 481, 482, and 483.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

Assembly Bills Nos. 476, 477, 478, 479, 480, 481, 482, and 483 were considered.

Mr. Estudillo moved that the committee rise and report back in favor of the passage of the above numbered bills just considered.

Motion carried.

IN ASSEMBLY.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Assembly Bill No. 480—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.

And do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

SECOND READING OF BILLS.

Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 95—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 263—An Act entitled "An Act to amend Section 1669 of the Political Code," relating to the establishment of high schools.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring funds of lapsed school districts to the districts into which they are merged.

During the second reading of the bill, the following amendments were submitted:

Amend by striking out the words "to the number of pupils assigned to them" after the words "pro rata," on lines 45 and 46, second page, printed bill, and inserting in lieu thereof the following: "according to the number of school census children of the respective districts as shown by the last preceding school census."

Amendment adopted.

Also:

Amend by striking out the word "prepared" after the word "blank," on line 71, third page, printed bill, and inserting in lieu thereof the following: "approved."

Amendment adopted.

Also:

Amend by inserting after the word "instructions," on line 72, third page, printed bill, and inserting in lieu thereof the following: "*provided*, that said blanks shall be printed and furnished to the school districts by the boards of supervisors of the respective counties of the State."

Amendment adopted.

Also:

Amend by inserting after the word "houses" the following: "school furniture (including pianos and organs)."

Amendment lost.

Also:

Amend by striking out the words "until the next semi-annual meeting of the county board of education, to persons holding certificates of like grade granted in other counties, cities, or cities and counties, or upon any certificates or diplomas upon which county boards are empowered to grant certificates without examination, as specified in section seventeen hundred and seventy-five," on lines 106, 107, 108, 109, 110, 111, 112, fourth page, printed bill, and inserting in lieu thereof the following: " for six months, to persons holding certificates which in his judgment correspond in grade to certificates which may be issued under the provision of Section 1775 of the Political Code, or to graduates of those schools of the State of California which in his judgment are the equivalent in scholarship required for graduation from the normal schools of California."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 93—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 263—An Act entitled "An Act to amend Section 1669 of the Political Code," relating to the establishment of high schools.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 291, on motion, was passed on file.

Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Bill read second time.

Mr. Hewitt moved to amend bill by inserting after the title the following words:

The people of the State of California, represented in Senate and Assembly, do enact as follows:

Amendment adopted.

Bill ordered to print and engrossment.

THIRD READING OF BILLS.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Bill read third time.

The roll was called, and the bill was refused passage by the following vote:

AYES—Messrs. Coghlan, Drew, Held, Hewitt, Johnson of San Diego, Kelly, Lucas, Otis, Pyle, Sackett, Snyder, Stetson, Strobridge, and Mr. Speaker—14.

NOES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, Percival, Pierce, Root, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Weske, Whitmore, Wilson, and Wyatt—49.

NOTICE OF MOTION TO RECONSIDER.

Mr. Wyatt gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 384 was lost.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto,

to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

Bill read second time, and ordered to engrossment.

Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the regents of the University of California for the purpose of a biological station.

Bill read second time, and ordered on file for third reading.

Senate Concurrent Resolution No. 5—Approving two certain amendments of the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

Concurrent resolution read on a previous day.

Mr. Cutten moved that a select committee of one be appointed by the Speaker to amend the concurrent resolution as follows:

Amend by inserting the word "passed" after the word "safety," on line 15, fifth page of the printed Senate concurrent resolution.

Motion carried.

Mr. Cutten was appointed as such select committee.

REPORT OF SELECT COMMITTEE.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Concurrent Resolution No. 5, with instructions, do now report that the instructions of the Assembly have been carried out.

CUTTEN, Select Committee.

Report of select committee and amendment adopted.

Senate Concurrent Resolution No. 5 ordered to print.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 18—An Act to amend Section 1049 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action.

Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relating to studies to be taught in the primary and grammar schools.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

HANS, Chairman.

The above reported bills ordered on file for third reading.

LEAVE OF ABSENCE.

Mr. Smith was, on motion, granted leave of absence for the day.

RE-REFERENCE OF BILLS.

On motion of Mr. Bush, Assembly Bills Nos. 51, 53, 54, 55, 56, and 58 were recalled from the Committee on Ways and Means and referred to the Committee on Public Grounds and Buildings.

ADJOURNMENT.

At four o'clock P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until nine o'clock and thirty minutes A. M. Tuesday, January 29, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, January 29, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—69.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, the following members were granted leave of absence for the day: Messrs. Finney, John, Vogel, Barry, and Hammon.

APPROVAL OF JOURNAL.

The Journal of Saturday, January 26, 1907, was read and corrected and approved as corrected.

SPECIAL ORDER.

The special order heretofore set for consideration at this hour was taken up.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3.

Resolution to amend Section 2½ of Article 2 of the Constitution.

The legislature of the State of California, at its thirty-seventh session, commencing on the 7th day of January, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that Section 2½ of Article 2 of the Constitution of the State of California, be amended so as to read as follows:

Section 2½ The legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and also laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors, without conventions, at elections to be known and designated as primary elections; also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the legislature to prescribe that any such primary election shall be mandatory and obligatory. The legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision.

Constitutional amendment read.

The roll was called, and Assembly Constitutional Amendment No. 3 adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—70.

NOES—None.

Assembly Constitutional Amendment No. 3 ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-seventh and fifty-eighth fiscal years.

Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Assembly Bill No. 95—An Act to perfect the organization of Reclamation District Number Seventy, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts, composed of portions of the same territory.

Assembly Bill No. 263—An Act entitled an Act to amend Section 1669 of the Political Code, relating to the establishment of high schools.

Assembly Bill No. 111—An Act a relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

Assembly Bill No. 93—An Act to repeal an Act entitled "An Act to incorporate the town of Yuba City," approved March 30, 1878.

Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Assembly Bill No. 480—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Also: That they have examined and found the following bill correctly re-engrossed:

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and

other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Assembly Bill No. 131 ordered on file for passage.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses—report the same back, and recommend its passage.

Also: Assembly Bill No. 233—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel—and recommend its passage.

Also: Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197*a*, relating to claims against counties for the expense of keeping insane prisoners—and recommend its passage.

Also: Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays—and recommend its passage.

Also: Assembly Bill No. 413—An Act to reduce the number of judges in the Superior Court of the County of Shasta from two to one—and recommend its passage.

Also: Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills—and report the same back, with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 374—An Act to add a new section to the Code of Civil Procedure, to be numbered 1060, in relation to undertakings—and report the same back, with one amendment, and recommend its passage as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your special Committee on State Prison Reform, appointed at the close of the thirty-sixth session of the Legislature, to consider and devise means for the improvement of the State prison system of the State of California, beg leave to report that they have submitted their report with accompanying bills; and that they have incurred, in the discharge of their duties, the following expenses:

Miguel Estudillo	$135 00
C. H. McKenney	155 00
P. J. Arnerich	185 00
E. J. Lynch	200 00
Stamps	10 00
Stenographer	25 00
Telephoning	7 00
Telegraphing	8 00
	$725 00

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of Miguel Estudillo for the sum of $725, to be paid out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

All of which is respectfully submitted.

ESTUDILLO, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Costar, Cutten, Davis, Drew, Eshleman, Estudillo, Fisher, Forbes, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullen, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wilson, Wyatt, and Mr. Speaker—60.

NOES—None.

Also:

MR. SPEAKER: Your Committee on Contingent Expenses, to whom was referred the following resolution by Mr. Johnson of Sacramento:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of three thousand and four hundred and twenty-eight and four-hundredths dollars ($3,428.04), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

F. R. Pullford	$120 85
A. J. Johnston Co.	584 90
Scott, Lyman & Stack	377 55
R. O. Kimbrough	9 95
Emil Steinman	37 50
Capital Furniture Mfg. Co.	546 15
John Breuner Co.	750 54
The Thompson Diggs Co.	10 50
The Schaw-Batcher Co.	7 42
Sunset Telephone & Telegraph Co.	6 00
R. M. Richardson, postmaster	5 60
Mrs. C. Macall	5 00
Capital Box Factory	1 50
Kane & Trainor Ice Co.	21 00
Wasserman-Kaufman Co.	31 95
H. S. Crocker & Co.	694 80
W. F. Purnell	46 60
Scott, Lyman & Stack	131 00
John Breuner Co.	39 23
Total	$3,428 04

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—65.

NOES—None.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 488—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

JURY, Chairman.

Assembly Bill No. 488 ordered on file for second reading.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 411—An Act to amend an Act entitled "An Act to protect domestic live stock from

contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Ways and Means.

Also: Assembly Bill No 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and also be referred to Committee on Ways and Means.

STROBRIDGE, Chairman.

Assembly Bills Nos. 411 and 390 referred to Committee on Ways and Means.

Assembly Bill No. 364 ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 3—Relative to amending tariff law—have had the same under consideration, and respectfully report back recommending that the accompanying substitute therefor be adopted.

COGHLAN, Chairman.

Assembly Joint Resolution No. 3 ordered on file.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 403—An Act in relation to the attendance of pupils in the high schools of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Also: Assembly Bill No. 401—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.

Also: Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Also: Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

Also: Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SACKETT, Chairman.

Assembly Bills Nos. 403, 400, 401, 402, 422, 505, and 462 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 127—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 128—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of

Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and also recommend it to be referred to Committee on Ways and Means.

Also: Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Also: Assembly Bill No. 124—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.

Also: Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered 372*a*, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferry boats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Also: Assembly Bill No. 120—An Act to amend Section 2979*a* of the Political Code of the State of California, relating to the preservation of the public health.

Also: Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets and rivers, etc.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterring permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CAMPBELL, Chairman.

The above reported bills ordered on file for second reading, with the exception of Assembly Bill No. 128, which was referred to the Committee on Ways and Means.

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McGUIRE, Chairman.

Assembly Bill No. 159 ordered on file for second reading.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Fratessa moved that the vote whereby the resolution which related to the traveling expenses of standing committees was adopted on a previous day, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Coghlan, Collister, Cornish, Costar, Cullen, Drew, Eshleman, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, McGuire, McMullin, O'Brien, Otis, Pyle, Root, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—Messrs. Birdsall, Case, Cogswell, Cutten, Davis, Devlin, Estudillo, Leeds, Lucas, McConnell, McKeon, Percival, Pierce, Sackett, Stanton, Stetson, Thompson of Los Angeles, and Weske—18.

The question recurring on the adoption of the resolution.

The roll was called, and the same refused adoption by the following vote:

AYES—Messrs. Birdsall, Case, Cogswell, Costar, Cutten, Davis, Devlin, Eshleman, Estudillo, Forbes, Held, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, Otis,

Percival, Pierce, Pyle, Sackett, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Weske, and Mr. Speaker—28.

NOES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Coghlan, Collister, Cornish, Cullen, Drew, Fratessa, Hans, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, McGuire, McMullin, O'Brien, Root, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Toomey, Transue, Whitmore, Wilson, and Wyatt—39.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution by Mr. Held:

WHEREAS, There have been referred to the Committee on State Hospitals and Asylums certain bills calling for appropriations for the State hospitals at Highlands, Agnews, Stockton, and Napa, and for the Home for the Feeble-Minded at Eldridge and the Industrial Home for the Blind at Oakland; and

WHEREAS, Bills have been referred to said committee affecting the above State hospitals and said institutions and all State hospitals, including the Mendocino State Hospital at Ukiah, California; and

WHEREAS, It is necessary, in order to enable said committee to intelligently act on said bills, that they visit said institutions; and

WHEREAS, It is advisable that all the members of said committee visit said institutions and desire leave of absence for said purpose; therefore, be it

Resolved, That all the members of this body, who are members of said committee, be and they are hereby granted leave of absence to visit said institutions above named, and that said leave of absence extend from and including Wednesday, January 30, 1907, to and including Sunday, February 3, 1907.

Have had the same under consideration, and respectfully report that leave of absence can be granted the members of said committee without interfering with the business of the House.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Cullen, Cutten, Davis, Drew, Estudillo, Fisher, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wilson, Wyatt, and Mr. Speaker—62.

NOES—Messrs. Devlin and Whitmore—2.

Also:

Your Committee on Rules and Regulations has had under consideration the following resolution by Mr. Cutten:

Resolved, That the Committee on Commerce and Navigation, consisting of Assemblymen Cutten, Thompson of San Francisco, Ludington, Leeds, McGuire, Fratessa, Kohlman, Wilson, and Toomey, be and they are hereby granted a leave of absence from and including Wednesday, January 30, 1907, to and including Sunday, February 3, 1907, for the purpose of visiting the harbors of San Francisco, San Pedro, and San Diego, in order to thoroughly investigate and be fully competent to pass on the bills that now are or may be before that committee respecting the harbors of the State.

And respectfully report that the said resolution does not briefly recite the occasion and necessity for visiting the places named in said resolution, as required by Rule 79, and therefore recommend that the leave of absence be not granted.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report.

The roll was called, and the report refused adoption by the following vote:

AYES—Messrs. Baxter, Berry, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Higgins, Johnson of Sacramento, Leeds, Lucas, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Whitmore, Wyatt, and Mr. Speaker—29.

NOES—Messrs. Beban, Beckett, Bishop, Boyle, Bush, Butler, Campbell, Coghlan, Cornish, Cullen, Eshleman, Fisher, Fratessa, Hans, Hartmann, Higgins, Johnson of San Diego, Kelly, Lemon, Ludington, Lynch, McMullin, O'Brien, Root, Smith, Snyder, Strohl, Thompson of San Francisco, Toomey, Transue, and Wilson—31.

Also:

Your Committee on Rules and Regulations have had under consideration the following resolution by Mr. Pyle:

WHEREAS, A number of bills have been and will be referred to the Committee on Public Buildings and Grounds, calling for appropriation of money and the improvement of the State buildings;

Resolved, That the Committee on Public Buildings and Grounds, consisting of the following members, namely: Messrs. E. M. Pyle, Mel Vogel, Nathan C. Coghlan, W. F. Chandler, Robson O. Bell, Hugo Hartmann, W. J. Costar, Guy W. Smith, W. F. Ludington, Charles M. Fisher, and Louis Strohl, be and they are hereby authorized to visit the State Normal School at Chico, and the State Normal School at San Diego, State Polytechnic School at San Luis Obispo, Custom House at Monterey, and other State buildings for the purpose of enabling the committee to act intelligently upon bills that now are or may come before it, and that the members above named are hereby granted leave of absence for said purpose.

And respectfully report that said resolution does not briefly recite the occasion and necessity for visiting the places named in said resolution, as required by Rule 79, and therefore recommend that said leave of absence be not granted.

LEEDS, Chairman.

Mr. Johnson of Sacramento moved that the above resolution be referred back to Committee on Public Buildings and Grounds, for the purpose of being corrected so as to meet the requirements of Rule 79.

Motion carried.

Resolution re-referred to Committee on Public Buildings and Grounds.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 17—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the City of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Also: Assembly Bill No. 86—An Act to provide for the purchasing of a site and building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and that they be referred to the Committee on Ways and Means.

WHITMORE, Chairman.

Assembly Bills Nos. 17 and 86 referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced and referred as indicated:

By Mr. Bell: Assembly Bill No. 529—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of Secretary of State.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Davis: Assembly Bill No. 530—An Act to amend the Political Code of the State of California by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, and 340*a*, under a new article, to be numbered thirteen (13), to be added to chapter two (2), title one (1), part three (3) of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment, to be filed with the Secretary of State.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Campbell: Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Forbes: Assembly Bill No. 532—An Act creating the office of county mining recorder, prescribing his duties, and providing for his compensation.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Berry: Assembly Bill No. 533—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 534—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Coghlan: Assembly Bill No. 535—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.

Bill read first time, and referred to Committee on Education.

By Mr. McClellan: Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereto relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Hartmann (by request): Assembly Bill No. 537—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1892, relating to mortgages of personal property.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Devlin: Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts and condemnation of property therefor.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Lynch (by request): Assembly Bill No. 539—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Thompson of Los Angeles (by request): Assembly Bill No. 540—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or

tracts in cities, towns, additions to cities, towns, subdivisons, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Education: Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Bill read first time, and ordered on file.

By Mr. Sackett: Assembly Bill No. 542—An Act to amend Section 1771 of the Political Code, relating to duties of county boards of education.

Bill read first time, and referred to Committee on Education.

By Committee on Education: Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the textbook committee.

Bill read first time, and ordered on file.

By Mr. Leeds: Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Held: Assembly Bill No. 546—An Act to amend Section 1049 of the Penal Code of the State of California, relating to the time that a defendant in a criminal action shall have to prepare for trial.

Bill read first time. and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Bill No. 547—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 548—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creating, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento drainage dis-

trict, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Bill read first time, and referred to Committee on Levees and River Improvements.

By Mr. Kelly: Assembly Bill No. 550—An Act providing for the employment by the State Board of Prison Directors of skilled mechanics to superintend various branches of industry carried on in the State's prisons.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Committee on Federal Relations: Assembly Joint Resolution No. 4 (Substitute for Assembly Joint Resolution No. 3)—The relief of San Francisco.

Joint relation ordered on file, without reference.

RESOLUTION.

The following resolution was offered:

By Mr. Pyle:

WHEREAS, A large number of bills have been and will be referred to the Committee on Public Buildings and Grounds calling for the appropriation of large sums of money in the improvement and repair and reconstruction and construction of the public buildings belonging to the State, and it is necessary for the said committee to personally examine the said public buildings in order to act intelligently upon the said bills and to understand the needs of each institution connected therewith and the necessity for any improvement or repair or reconstruction or construction thereof; therefore, be it

Resolved, That the Committee on Public Buildings and Grounds be and they are all hereby granted leave to visit such public buildings as they deem essential, and for that purpose they are each and all granted leave of absence from and including Wednesday, January 30, 1907, to and including Monday, February 4, 1907.

Referred to Committee on Rules and Regulations, with instructions to report back without unnecessary delay.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution by Mr. Pyle:

WHEREAS, A large number of bills have been and will be referred to the Committee on Public Buildings and Grounds, calling for the appropriation of large sums of money in the improvement and repair and reconstruction and consfruction of the public buildings belonging to the State, and it is necessary for the said committee to personally examine the said public buildings in order to act intelligently upon the said bills and to understand the needs of each institution connected therewith, and the necessity for any improvement or repair or reconstruction or construction thereof; therefore, be it

Resolved, That the Committee on Public Buildings and Grounds be and they are all hereby granted leave to visit such public buildings as they deem essential, and for that purpose they are each and all granted leave of absence from and including Wednesday, January 30, 1907, to and including Monday, February 4, 1907.

Have had the same under consideration, and respectfully report that leave of absence can be granted to the said committee without interfering with the business of the House.

LEEDS, Chairman.

Mr. Johnson of Sacramento moved the suspension of the rules for the purpose of considering the report and resolution.

The motion being carried by a two-thirds vote, the Speaker declared the consideration of the report and resolution to be in order.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Drew, Eshleman, Estudillo, Fisher, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—Messrs Davis and Devlin—2.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Also: Adopted Senate Concurrent Resolution No. 2—Approving the charter of the City of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 18th day of July, 1906.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

RESOLUTION.

The following resolution was offered:

By Mr. Estudillo:

Resolved, That Senate Bill No. 476 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted and the provisions of the Constitution suspended by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—62.

NOES—None.

CONSIDERATION OF CASE OF URGENCY.

Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Bill read first time.

Mr. Estudillo moved that the House resolve itself into Committee of the Whole for the purpose of considering Senate Bill No. 476.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 476 was considered.

Mr. Estudillo moved that the committee rise and report back in favor of the passage of the above numbered bill, just considered.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report from the Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence—and do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

RECESS CURTAILED.

On motion of Mr. Transue, the time for recess was continued for further consideration of Senate Bill No. 476, and that after such consideration recess be taken until two o'clock of this day.

SECOND READING OF BILL.

Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Bill read second time.

THIRD READING OF BILL.

Senate Bill No. 476—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Bill read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CHANGES IN PERSONNEL OF SUB-COMMITTEES.

The following requests were granted by the Speaker:

MR. SPEAKER: We request that Percy A. Johnson of San Diego be substituted as member of the Committee on Public Grounds in the place of E. M. Pyle, to make the proposed trip to visit the State institutions.

E. M. PYLE.
PERCY A. JOHNSON.

Permission for the above substitution is hereby granted.

R. L. BEARDSLEE, Speaker.

January 29, 1907.

SACRAMENTO, January 28, 1907.

To the Hon. R. L. Beardslee, Speaker of the Assembly, Thirty-seventh Session:

DEAR SIR: I, as a member of the Public Buildings and Gounds Committee, respectfully request that Samuel H. Beckett accompany the above named committee upon its investigations, as per resolution, in my stead.

Yours,

W. F. CHANDLER.

I desire to be substituted in the place and stead of Mr. Chandler, as per above.

S. H. BECKETT.

Permission for the above substitution is hereby granted.

R. L. BEARDSLEE, Speaker.

January 29, 1907.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

CONSIDERATION OF SENATE MESSAGES—(RESUMED).

Mr. Otis moved that the Assembly now proceed to consider Senate Concurrent Resolution No. 2.
Motion carried.

SENATE CONCURRENT RESOLUTION NO. 2.

Approving the charter of the City of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 18th day of July, 1906.

WHEREAS, The City of Alameda, a municipal corporation of the County of Alameda, State of California, now is and was at all the times herein referred to, a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 27th day of January, 1906, under and in accordance with law and the provisions of section eight of article eleven of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of Alameda; and

WHEREAS, The said charter was on the 26th day of April, 1906, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said City of Alameda, and the other copy with the county recorder of the said County of Alameda, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the Alameda Daily Argus and in the Daily Encinal, each being daily newspapers of general circulation in said City of Alameda, and the said charter being published as aforesaid for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the board of trustees of the City of Alameda to the qualified electors of said City of Alameda at a special election previously duly called and therein held on the 18th day of July, 1906; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city voting at such special election voted in favor of the ratification of such charter as proposed as a whole, excepting that a majority of said qualified electors voting at such election voted in favor of the ratification of Alternative Proposition No. 1 and of Alternative Proposition No. 2 contained in said proposed charter, which alternative propositions were therefore respectively chosen and substituted for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; and

WHEREAS, Said board of trustees after canvassing said returns duly found and declared that the majority of said qualified electors, voting at said special election, had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter so ratified is in the words and figures following to wit:

CHARTER OF THE CITY OF ALAMEDA.

ARTICLE I.

BOUNDARIES, SUBDIVISIONS AND GENERAL POWERS.

SECTION 1. The municipal corporation known as the City of Alameda shall remain and continue a body politic and corporate, by the name of the City of Alameda, and by that name shall have perpetual succession.

SEC. 2. The boundaries of the City of Alameda are hereby declared to be as follows:

Commencing at a point where the center line of High street produced in a right line northerly intersects the center line of the Tidal Canal, and thence following the center line of the Tidal Canal westerly to its intersection with the easterly boundary line of Oakland Township near the west line of Park street if extended northerly to the center line of the Tidal Canal, and running thence southerly to the southeast corner to Oakland Township, which was formerly in a small slough at the most easterly end of San Antonio Creek and always known as a part thereof (said small slough having been since filled in part and dredged along the remaining part through operations relative to the construction of the Tidal Canal); running thence westerly along the center of the said small slough originally forming part of San Antonio Creek to the center of San Antonio Creek proper; thence westerly down the center of San Antonio Creek to the westerly boundary of Alameda County; thence southeasterly along the boundary of said county to an angle thereof; thence easterly along said county line produced in a right line to a point in the line dividing sections thirty-one (31) and thirty-two (32), township two (2), south, range three (3), west, M. D. M.; thence northerly along said section line to the northeast corner of lot one (1), section nineteen (19), township two (2), south, range three (3), west, M. D. M.; thence in a northerly direction to the center line of the Tidal Canal; thence along the center of the Tidal Canal to the point of commencement.

Unless a majority of the electors of the city shall affirmatively vote therefor at a general or special municipal election, neither shall the boundaries of the city be changed, nor shall the city be consolidated with any other city, or city and county.

SEC. 3. The City of Alameda may sue and defend in all courts and places; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy real and personal property and dispose of the same for the common benefit; may receive bequests and donations of all kinds of property in fee simple or in trust for charitable and other purposes; and may do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

SEC. 4. The City of Alameda shall continue, under this charter, to have, hold and enjoy all property, real, personal and mixed, and rights of action of every nature and description, of the existing municipality, and is hereby declared to be the successor of the same.

SEC. 5. Suits, actions and proceedings may be brought in the name of the City of Alameda for the recovery of any property, money or thing belonging thereto, in law or in equity, or dedicated to public use therein, or for the enforcement of any rights of or contracts with, the city, whether made or arising or accruing before or after the adoption of this charter. All existing suits, actions or proceedings in the courts or elsewhere, to which the city is a party, shall continue to be carried on by or against the city.

SEC. 6. For the purposes of the first election held under this charter, and until changed in the manner hereinafter provided, the City of Alameda shall be divided into seven wards, as follows:

The First Ward, which shall include all that portion of the city lying south of an east and west line passing through the center of Bay Farm Island bridge, and known as Bay Farm Island, and also that portion of the city lying north of said east and west line passing through Bay Farm Island bridge, and easterly of the center line of Versailles avenue and the same center line of Versailles avenue extended in a right line northerly to the northern line of the city at the center line of the Tidal Canal.

The Second Ward, which shall include all that portion of the city not embraced in the First Ward, and lying east of a line drawn through the center of Park street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

The Third Ward, which shall include all that portion of the city not embraced in the First and Second Wards, lying east of a line drawn through the center of Willow street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

The Fourth Ward, which shall include all that portion of the city not embraced in the First, Second and Third Wards, lying east of a line drawn through the center of Paru street, said line extended northerly to the northern boundary of the city, and southerly to the northern boundary of the First Ward.

The Fifth Ward, which shall include all that portion of the city not embraced in the First, Second, Third and Fourth Wards, lying east of a line drawn through the center of St. Charles street, said line extended northerly to the northern boundary of the city and southerly to the western boundary of the Fourth Ward.

The Sixth Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth and Fifth Wards lying east of a line drawn through the center of Sixth street, said line extended northerly to the northern boundary of the city and southerly to the northern boundary of the First Ward.

The Seventh Ward, which shall include all that portion of the city not embraced in the First, Second, Third, Fourth, Fifth and Sixth Wards.

SEC. 7. The City of Alameda shall have the right and power, either as principal or as agent:

First: To have hold, establish, construct, acquire, operate, maintain and regulate public buildings, baths, fountains, markets, dispensaries, sanitariums, hospitals, libraries, reading rooms, schools, gymnasiums, kindergartens, charitable institutions, workhouse, morgue, crematories, gas and electric works, telephone and telegraph systems, ferries, light, heat and power works and transportation service.

Second: To have, hold, acquire, construct and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of, all pipes, tubes, conduits, wires and electric or telegraphic apparatus in, along, over, under and across all public streets and highways; to require all telegraph and electric wires to be placed underground; and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.

Third: To have, hold, erect, purchase or otherwise acquire water, gas and electric works within or without the corporate limits; to supply said city and its inhabitants and persons, firms and corporations outside of said city with water, gas and electricity, and to regulate and control the use and price of water, gas and electricity so supplied.

Fourth: To sell gas, water, electric current and all products of any public utility which the city now owns or controls or which it may hereafter own or control; also to purchase gas, water, electric current or other product which may be of public utility, and to sell the same.

Fifth: To condemn, purchase, construct, own and operate, cable, electric and other railways, and to provide for the carriage of freight and passengers thereon.

Sixth: To acquire, by condemnation, purchase or otherwise, such lands or other property, as may be deemed necessary for corporate use, and to dispose of real or personal property owned by the city as the interests of the city or its inhabitants may from time to time require.

Seventh: To do and perform whatsoever is necessary or convenient for its own government and for the benefit of its inhabitants, and to do any act which the council is by this charter or by any law now or hereafter in force, authorized to do.

ARTICLE II.

LEGISLATIVE.

Chapter I—Council.

SECTION 1. Except as otherwise provided, the legislative power of the City of Alameda shall be jointly vested in a body to be designated the council, and in a mayor.

SEC. 2. The council shall consist of nine members, seven of whom shall be nominated by the electors of the respective wards and two by the electors at large. They shall all be elected by the voters at large. Each shall hold office for four years, and until his successor is elected and qualified,

Provided, that the first council elected under the provisions of this charter shall, at their first meeting, so classify themselves by lot that three of the ward councilmen shall go out of office at the end of two years and four at the end of four years, also that one of the councilmen at large shall go out of office at the end of two years and one at the end of four years. At the time of his election each ward nominee must be an elector of the ward from which he has been nominated, and must be of the age of at least twenty-five years. He must have been an elector of the city for at least three years last preceding his election. The members of the council shall receive no pay for their services.

SEC. 3. A majority of the members shall constitute a quorum, but a less number may adjourn from time to time, and compel the attendance of absent members in such manner and under such penalties as the council may prescribe.

SEC. 4. The council shall:

One: Judge of the qualifications of its members and of all election returns.

Two: Establish rules for its proceedings;

Three: Keep a correct journal of its proceedings and allow the same to be published. The ayes and noes shall, on demand of any member, be taken and entered therein.

Four: Choose one of its number president.

Five: Meet on the third Monday in April next succeeding the general municipal election, and hold regular meetings twice in each month and at such other times as they shall fix by ordinance. The council shall not adjourn to any place other than its regular place of meeting. The meetings of the council shall be public. Special meetings may be called by the mayor or by the president of the council or by three councilmen, by serving the members personally with written notices or leaving the same at places designated by the respective members.

SEC. 5. Every legislative act of the city shall be by ordinance. The enacting clause of every ordinance passed by the council shall be in these words: "Be it ordained by the council of the City of Alameda." The enacting clause of every ordinance passed by the people shall be as follows: "Be it ordained by the people of the City of Alameda." No ordinance shall be passed except by bill, and no bill

shall be so amended as to change its original purpose. No ordinance shall be passed by the council on the day of its introduction or within five days thereafter, or at any time other than at a regular meeting or an adjourned regular meeting. Every ordinance shall be signed by the officer presiding at the time of its adoption, attested by the clerk and published at least once in a newspaper published in the City of Alameda, or advertised as hereinafter provided.

It shall not be necessary in any action to plead or prove the organization or existence of such corporation, or the passage, existence or validity of any ordinance thereof; and courts shall take judicial cognizance thereof without proof.

SEC. 6. Except as hereinafter provided no bill shall become an ordinance, or resolution be adopted unless finally passed by a majority vote of all the members of the council, and the vote taken by ayes and noes, and the names of the members voting for and against the same entered in the journal. No resolution or order for the payment of money shall be passed at any other than a regular meeting or an adjourned regular meeting.

SEC. 7. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted or the section thereof to be amended, shall be re-enacted at length as revised and amended. Any ordinance revised, re-enacted or amended contrary to the provisions of this section shall be void.

SEC. 8. When a bill is put upon its final passage in the council and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next regular meeting.

SEC. 9. If any bill passed by the council containing several items appropriating money or fixing a tax levy, be presented to the mayor, he may object to one or more items separately, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items to which he objects, and the reasons therefor, and the item or items so objected to shall not take effect unless passed notwithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the council in the same manner as bills which have been disapproved by the mayor.

SEC. 10. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in and about streets, bays, water fronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies or materials for the same, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and when let shall be let to the lowest responsible bidder, after notice by publication in the official newspaper of the city for at least twice a week for two weeks. Such notice shall distinctly and specifically state the work contemplated to be done; *provided* that the council may reject all bids presented, and re-advertise in their discretion.

SEC. 11. The council shall annually call for bids for doing city printing and advertising, and the contracts therefor shall be awarded separately, and to the lowest responsible bidder;

Provided, that the council may reject all bids if in their opinion the bid of the lowest responsible bidder is exorbitant, and may again call for bids, subject to the reservation hereinafter mentioned. If the council shall determine that the bids secondly received are exorbitant, they may nevertheless let the contract to the lowest bidder for such portion of the printing as the board may determine, reserving the option to obtain other printing from such bidder at his schedule rates; and as to any printing not absolutely mentioned in the contract, the board may from time to time secure the same to be done by any party who may agree to do the same at a lower rate than that scheduled in the bid for doing the city printing; and in lieu of any newspaper advertising, may issue and publish a bulletin containing such matter as they are required by law to publish, sending the same by mail to the registered voters of the city, to their addresses as the same shall appear on the latest printed copy of the great register of Alameda County, and shall also post printed copies of such advertisement in three public places in the City of Alameda, at least five days before action is taken in response to said advertisement. Such mailing and posting shall be conclusively deemed of the same effect as if the advertisement had been fully published in the official newspaper of the city. The board shall annually designate as the official city paper, a newspaper published in this city. All provisions of this charter are subject to the provisions of this section.

SEC. 12. Every ordinance shall take effect ten days after its passage, unless otherwise provided.

SEC. 13. Every bill and every resolution as hereinbefore provided, which shall have passed the council and shall have been duly authenticated, shall be presented to the mayor for his approval. The mayor shall return such bill or resolution to the council within ten days after receiving it. If he approve the bill he shall sign it. If he disapprove it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the mayor shall be entered at large in the journal of the council, and the council shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be passed by the affirmative vote

of not less than two thirds of the council, the presiding officer shall certify that fact on the bill or resolution, and when so certified the bill shall become an ordinance with like effect as if it had been approved by the mayor. If the bill or resolution shall fail to receive the votes of two thirds of the council, it shall be deemed to be finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for and against the same shall be entered in the journal.

SEC. 14. All ordinances and resolutions shall be deposited with the city clerk, who shall record the same in a suitable book.

All ordinances of a general, public or permanent nature, and those imposing a fine, penalty, or forfeiture, shall be published at least once in the city official newspaper within three days after the same shall have become a law. The publication of all ordinances granting any franchise or privilege shall be at the expense of the applicant therefor.

SEC. 15. No ordinance passed by the council shall be repealed by the council except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the mayor for his approval as hereinbefore provided.

SEC. 16. No member of the council shall be eligible to appointment on any board or commission provided for in this charter except so designated in the charter.

Chapter II—Powers and Limitations of the Council.

SEC. 17. Subject to the provisions and restrictions in this charter contained, the council shall have power:

One. To ordain, make and enforce within the limits of the city all necessary local, police, sanitary, building and other laws and regulations.

Two. To punish its members and others for disorderly or otherwise contemptuous behavior in its presence, and to expel for such behavior in its presence any member by the affirmative vote of not less than two thirds of its members, specifying in the order of expulsion the cause thereof; to compel attendance of witnesses and the production of papers and things pertinent to business, before it or before any of its committees.

Three. To establish, build and repair bridges; to acquire, lay out, open, widen, extend, alter and close streets, avenues, alleys, lanes, roads, courts, parks, boulevards, playgrounds, recreation grounds and other public places within said city; to fix and alter official grades; to grade, pave, curb, sidewalk, sewer, drain and otherwise improve the same; to provide for the repair, cleaning, watering, oiling, lighting and parking thereof; to manage and control such streets, roads, highways and public places and to regulate the use thereof; to permit, regulate or prohibit the placing or maintaining of trees, hitching posts, safety and convenience stations, signs, awnings and other obstructions therein and to remove obstructions therefrom; to cause to be planted, maintained and cultivated, shade trees therein; to regulate the pruning of all trees planted and maintained in public places; to levy special assessments for street improvements, and to provide for the collection of the same;

Four. To establish fire limits with proper regulations.

Five. To require the owners of real property to construct and repair sidewalks, and to remove grass, weeds and obstructions from sidewalks in front of their property; to require them to prune sidewalk trees as provided by ordinance; and upon their neglect or refusal, to cause such work to be done, the cost thereof to be made a lien upon said property or otherwise recovered from such owners.

Six. To regulate and determine the character and mode of construction, plumbing, piping and wiring of buildings that may be erected in the city, and the nature and kind of materials to be used in the construction, alteration or repair of such buildings, or in the alteration or repair of existing buildings, and to restrict the height of buildings and fences.

Seven. To regulate the size and construction of the entrances and exits to and from theaters, lecture rooms, churches and other places for public gathering, and to prohibit the placing of seats, and other obstructions in the aisles and open spaces in such buildings.

Eight. To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city, or disturb the public peace, or which may be offensive to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them.

Nine. To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, guncotton, nitro-glycerine, fire works and other explosive materials and substances.

Ten. To regulate the storage of hay, straw, oil and other inflammable or combustible materials.

Eleven. To regulate the use of steam engines and gas engines and steam boilers, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Twelve. To provide for and maintain a city prison, and to provide for the government, maintenance and clothing of persons detained therein.

Thirteen. To declare what shall be a nuisance and to provide for the abatement

of the same and for the punishment of any person or party who shall create, maintain or suffer a nuisance to exist; and every act or thing done or being within the limits of the city which is or may be by law or by any ordinance of the city declared to be a nuisance shall be and is hereby declared to be a nuisance, and shall be considered and shall be treated as such in all actions and proceedings whatever; and all remedies which are or may be given for the prevention and abatement of nuisances shall apply thereto.

Fourteen. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody, redemption, sale or destruction of the same.

Fifteen. To provide for the inspection of water meters, gas meters and electric meters, and of weights and measures, and to enforce such regulations as may be necessary to insure their accuracy, and to provide for the inspection of all buildings, including those in process of construction or repair; also to provide for the inspection of all food products and liquids, and to compel samples thereof to be furnished to inspectors for analysis and to compel dealers to furnish the names and addresses of manufacturers or other persons from whom impure or adulterated food, food products or liquids have been obtained; and the council may, by ordinance, prescribe penalties for the sale of goods, wares or merchandise weighing or measuring less than represented, and for the sale of impure or adulterated food products or liquids, and may order the same destroyed.

Sixteen. To fix and determine by ordinance in the month of February of each year to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the city for the use of water, heat, light or power, telephonic or telegrahic or other public service supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Seventeen. To impose all license taxes, subject to the restrictions elsewhere in this charter contained, and to provide for the collection thereof.

Eighteen. To change the boundaries of the several wards in the city, subject to the provisions of this charter, *provided* that said boundaries shall not be changed by the council oftener than once in four years nor within ninety days prior to any general municipal election.

Nineteen: To authorize the granting of licenses for any lawful purpose, for revenue and regulation, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same; *provided* that no license shall be granted for a longer period than one year.

Twenty. To prescribe and enforce fines, forfeitures and penalties for the breach of any ordinance or resolution.

Twenty-one. To fix the fees and charges for all official services not otherwise provided for in this charter.

Twenty-two. To provide a seal for the city, which shall be the seal of the several departments, boards, commissions and officers thereof.

Twenty-three. To fix, alter, regulate and control fares and rates on all cable, electric, steam or other railways within the city; to compel the owners of two or more such roads using the same street for a distance not exceeding five blocks to use the same tracks and to equitably divide the cost of construction and maintenance thereof; to regulate rates of speed and to protect the public from danger or inconvenience in the operation of such roads; to erect, construct and maintain all buildings and appurtenances necessary to the operation of such roads as may be hereafter owned or controlled by the city.

Twenty-four. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Twenty-five. To provide for the purchase of property levied upon or under execution in favor of the city; but the amount bid on such purchase shall not exceed the sum of the judgment, interest and costs.

Twenty-six. To provide for making local improvements and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof; to determine what work shall be done or improvements made at the expense in whole or in part, of the owners of the adjoining contiguous or proximate property, or others benefited thereby, and to provide for the manner of making and collecting assessments therefor.

Twenty-seven. To provide for the deepening, widening, docking, covering, walling, altering or changing the channels of waterways and watercourses, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks, viaducts, subways, tunnels and levees and all work which may be required for the accommodation of commerce, and to control and regulate the use thereof; also to provide for the construction and purchase of all such work or works by the city and for its use and benefit, and for the entire or partial construction, maintenance and ownership of the same by the city, or as tenant in common with any other corporation.

Twenty-eight. To control, regulate or prohibit the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Twenty-nine. To fix the rate of wharfage, storage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States; to license,

regulate, control and restrain wharf boats, tugs and other boats used about the harbor or within the jurisdiction of the city.

Thirty. To make and enforce laws for the protection of fish and game within the limits of the city.

Thirty-one. By a two-thirds vote of the whole council to disapprove of any nomination to an appointive office, made by the mayor.

Thirty-two. To appropriate annually, and the council must so appropriate, to the mayor, for his own use, the sum of six hundred dollars, for which he need furnish no vouchers.

Thirty-three. To do and perform any and all other acts and things which are necessary and proper for the execution of the provisions of this charter, including the power to delegate any of the powers herein conferred; and in addition, to have all powers not in conflict with the Constitution and laws of the United States or of the State of California, or in conflict with this charter or with ordinances adopted by the people.

SEC. 18. The council shall not sell or convey any portion of any water front. No lease or sale of real estate shall be authorized by the council except by ordinance passed by the affirmative vote of three fourths of the members and approved by the mayor; and no lease shall be made for a period longer than ten years except by ordinance adopted by the people.

SEC. 19. The council must, at the time of making the annual tax levy, include therein such rate for school purposes as is elsewhere in this charter provided.

SEC. 20. The council shall appoint from its members a committee consisting of three, to be called the finance committee, and shall fill all vacancies in said committee. The finance committee shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury; and shall have free access to all records, books and papers in public offices or kept by public officials; shall have power to administer oaths and affirmations, to examine witnesses and compel their attendance by subpœna. The finance committee may at any time visit any of the public offices and make examination and investigations therein without hindrance.

The finance committee must, at least once in every six months, examine the official bonds of all city officers and investigate the sufficiency and solvency of the sureties thereon and report in writing the facts to the mayor. Such reports shall specify each bond with the sureties, and the amount for which each surety is bound, and shall state their opinion as to the sufficiency of each amount and the solvency of each surety. Upon such report the mayor shall take such action as may be necessary to protect the interests of the city. He may require new bonds when he deems it necessary and he may suspend any officer until a sufficient bond be filed and approved.

SEC. 21. The finance committee shall have power to examine the records and to examine and expert the books of account of all persons, companies or corporations that are required to pay a portion of their receipts into the treasury; and shall likewise as an aid to the fixing of rates for the furnishing of water, light and power or other service to the city and to the inhabitants thereof, have like power to examine and expert the books of account of any and all persons, companies or corporations so furnishing water, light or other service.

In the exercise of its functions the concurrence of two members shall be sufficient. The finance committee shall keep a record of its proceedings, with the names of the witnesses examined and a substantial statement of the evidence taken. If from their examination it shall appear that an offense has been committed by an officer, or that an officer is in default, the committee shall immediately report to the mayor, who shall take such proceedings against such officer as are authorized by law, and may suspend him pending such proceedings. Any police officer shall execute the processes of the committee.

SEC. 22. The council shall, by ordinance, determine what officers shall give bonds for the faithful performance of their duties, and shall fix the amount of such bonds; and each of such officers shall, before entering upon the duties of his office, execute a bond to the city in such penal sum as the council, by ordinance, may determine, conditioned for the faithful performance of his duties, including in the same bond the duties of all offices of which he is made by this charter ex-officio incumbent. Such bonds shall be approved by the council. All bonds when approved shall be filed with the city clerk, except the city clerk's bond, if any, which shall be filed with the mayor. All the provisions of any law of this State relating to the official bonds of officers as then existing shall apply to such bonds except as herein otherwise provided. Every officer of the city, before entering upon the duties of his office shall take and file with the city clerk the constitutional oath of office.

Chapter III—Initiative and Referendum.

SEC. 23. The basis of the percentage in this chapter provided for any petition shall be the total number of voters appearing on the great register of the County of Alameda, as residing in the City of Alameda at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petitions herein provided for.

SEC. 24. Upon presentation to the council of a petition signed by qualified electors of the city in number equal to ten per cent. of said registered voters asking for submission to the electors of a measure fully set forth in said petition, being a measure that the council might itself adopt, the council itself must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition. But if such petition request the calling of a special election and be signed by qualified electors equal in number to twenty per cent. of said registered voters, then such measure, if not so enacted by the council, must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition.

SEC. 25. If such proposed measure is a measure that the council might adopt except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition be signed by qualified electors in number equal to twenty-five per cent. of said registered voters, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition.

SEC. 26. The method of signing and presenting petitions provided for herein shall be as follows: The signatures to a petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number or residence location. Each paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Petitions shall be filed with the city clerk and by him presented to the council.

SEC. 27. Within ten days from the date of the filing of such petition in his office, the city clerk shall examine the great register and therefrom and from certificates of voters shall ascertain whether or not said petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine.

SEC. 28. If by the clerk's certificate it is shown that the petition has not been signed by the requisite number of qualified electors as herein provided, it may be amended within ten days from the date of said certificate by the further addition of names. The clerk shall within ten days after such amendment make like examination of said amended petition, and if his certificate shall show the same to be insufficiently signed as heretofore provided it shall be returned to the person who filed the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficiently signed as herein provided, the clerk shall present the same to the council without delay.

SEC. 29. After the first special election held hereunder, no special election shall be held under the provisions of this chapter until after the expiration of six months from the date of the holding of a preceding special election.

SEC. 30. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city at any election, the city clerk shall cause the measure to be printed, and he shall send by mail a printed copy thereof to each voter whose name appears on the great register of Alameda County as last printed and published, at least ten days prior to election; but the council may order such measure to be published in the official newspaper of the city in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the measure, as above provided. Ordinances and measures in connection with local improvements, the expenses whereof are to be defrayed by local assessment, shall not come within the operation of this chapter.

SEC. 31. Any measure that the council or the electorate of the city, as herein provided, has authority to adopt, the council may, of its own motion, submit to a vote of its constituent electors at a general or special election.

SEC. 32. Except as herein provided no penal ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment and contracts where the subject matter involved is of less value than one thousand dollars), passed by the council shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the whole council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the council, or as otherwise provided by law.

SEC. 33. If within said thirty days a petition signed by qualified voters of the city, in number equal to ten per cent. of said registered voters, is filed with the city clerk, asking that any penal ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements the expenses whereof are to be defrayed by local assessment, and contracts, where the

subject matter involved is of less value than one thousand dollars), adopted by the council, be submitted to the electorate, then such ordinance or measure must either be repealed or be submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition, and said petition has been signed by qualified electors of the city in number equal to fifteen per cent. of said registered voters, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall within one year be again submitted except by vote of the council at the next general municipal election, or on a petition signed by twenty-five per cent. of said registered voters. Said petition shall be in all respects in accordance with the provisions hereinbefore specified in this chapter, except as to the percentage of signers, and shall be examined and certified by the clerk in all respects as heretofore provided.

SEC. 34. If a majority of votes cast by the electors of the city on any ordinance or measure referred to in this chapter shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city ten days after the official count has been determined; otherwise such ordinance or measure shall be repealed or rejected. Such repeal shall take effect ten days after the official count has been determined. No ordinance or measure approved by the electorate under the provisions of this chapter shall be subject to veto, or be amended or repealed except by vote of the electorate.

SEC. 35. If the provisions of two or more measures approved and adopted at the same election, under the provisions of this chapter conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 36. Whenever an applicant for a franchise, or other person, shall pay in advance to the city the expenses of a special election, the council must call such special election as heretofore provided, at which the proposed ordinance shall be submitted to vote of the electors.

ARTICLE III.

EXECUTIVE.

Chapter I—Mayor.

SECTION 1. The chief executive officer of the City of Alameda shall be designated the mayor. He shall be at least thirty years of age. He shall be a qualified elector of the city, and must have been such elector for three years next preceding the day of his election. He shall receive no salary. He shall be elected by the qualified voters of the city at the general city election, and his term of office shall be two years.

He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall be the presiding officer of the council, but shall have no vote. He shall vigilantly observe the conduct of all public offices, and shall take notice of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection and disbursement of the public funds and the control of the public property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. For the purpose of examining into the conduct of any board, commission, committee or other body entrusted with interests pertaining to the city, he shall have the power to call a special meeting of such board, commission, committee or other body.

Any defalcation or willful neglect of duty or official misconduct which he may discover or which may be reported to him shall be laid by him before the council in order that the public interests may be protected, and the person in default be proceeded against according to law.

He shall from time to time give the council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial. He shall have general supervision over all the departments and public institutions of the city, and shall promote, to the best of his ability, the honest, economical and lawful conduct thereof.

SEC. 2. He shall take all proper measures for the preservation of the public order and the suppression of riots and tumults, and in case of emergency shall be vested with command of the chief of police and of the police force, and in such case shall have power to add to the police force as may in his judgment be required.

SEC. 3. The mayor shall appoint all officers, and fill all vacancies not otherwise provided for in this charter, and such appointees shall serve for the unexpired term. All such appointees shall be approved by the council as elsewhere provided. Such appointees shall possess the qualifications prescribed by this charter for their eligibility to the respective offices.

SEC. 4. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part.

SEC. 5. He shall have power to suspend any city officer, appointed or elected, except a member of the council, for dereliction, neglect or non-performance of duty, and shall immediately report his action in writing to the council. If the council, after hearing, approve the suspension, they shall either declare the office vacant or shall continue the suspension for such time as they may deem proper, and such vacancy shall be filled as otherwise provided.

SEC. 6. In the event that the mayor shall be temporarily unable to perform his official duties, the president of the council shall act as mayor pro tempore. Should a vacancy occur in the office of mayor it shall be filled by the council, assembled for the purpose, and said appointee shall hold until the next general municipal election.

Chapter II—Auditor and Assessor.

SEC. 7. An auditor shall be elected at the same time and in the same manner as the mayor. He shall be an elector of the city, and shall have been such for three years preceding his election. He shall hold office for two years. He shall be ex-officio assessor. His compensation for acting in both capacities shall be one hundred and twenty-five dollars per month.

SEC. 8. As auditor he shall keep a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, and on what account and out of what fund payable. He must always know the exact condition of the treasury. He shall be in personal attendance at his office daily during office hours. He shall be the general accountant of the city and shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs. He shall give information as to the exact condition of the treasury and of every appropriation and fund thereof upon the demand of the mayor, the council, or any committee.

SEC. 9. He shall keep an account of all moneys paid into and out of the treasury, and the treasurer shall pay no money out of the treasury except upon demand approved by the auditor.

SEC. 10. He shall approve no demand unless the same has been allowed by the officer, board, department or committee required to act thereon.

SEC. 11. Every demand approved by him shall specify on its face each item composing it and the amount and date thereof, and shall be numbered and acted upon in the order of its presentation.

SEC. 12. No demand shall be allowed in favor of any corporation or person in any manner indebted to the city, except for taxes not delinquent, without first deducting the amount of any indebtedness of which he has notice; nor in favor of any person having the collection, custody or disbursement of any public funds, unless his account has been presented, passed, approved and allowed as herein required; nor in favor of any officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance or the regulations of the council; nor in favor of any officer who has neglected or refused to comply with any of the provisions of law regulating his duties, and he may refuse to audit the salary demand of any officer or employé for the time he shall have absented himself without legal cause from the duties of his office during office hours. The auditor may examine on oath any person receiving a salary from the city touching such absence.

SEC. 13. Every demand upon the treasurer must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and against what appropriation payable and out of what fund payable. If he allow it he shall endorse upon it the word "allowed," with the name of the fund out of which it is payable, and the date and consecutive number of its allowance, and sign his name thereto.

SEC. 14. He shall have authority to take affidavits and administer oaths necessary in the transaction of all city business.

SEC. 15. As assessor the auditor shall perform all the duties prescribed by this charter, by ordinance or by law, for assessing property in the city for the purpose of taxation. He may appoint deputies in such number and for such time as may be determined by the council, their salaries to be fixed by the council.

Chapter III—City Clerk.

SEC. 16. The council shall appoint a city clerk who shall hold office for two years from the date of his appointment, unless sooner removed by resolution adopted by a majority vote of the whole council. He shall be clerk of the council and shall be the mayor's private secretary; shall keep the corporate seal and all the books, papers, records and other documents belonging to the city the custody of which may not be otherwise provided for. He shall attend all meetings of the council and shall keep a record of its proceedings and a record of its by-laws, ordinances and resolutions, and shall perform such other duties relating to his office as the council may direct. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall attest by signature all leases and grants of the city. He shall receive a salary to be fixed by the council.

Chapter IV—Treasurer and Tax Collector.

SEC. 17. There shall be a treasurer, who shall be elected in the same manner and at the same time as the mayor, and who shall hold office for four years. He shall be ex-officio tax collector, and shall collect the licenses if so directed to do by the council.

SEC. 18. As treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance; and shall do all things required of him by any ordinance of the city.

SEC. 19. He shall pay out money belonging to the city only upon legal demands, allowed and audited in the manner provided by this charter or authorized by law.

SEC. 20. As tax collector he shall perform the duties in this charter and by the general laws of the State provided, and as directed by ordinances and resolutions. His compensation shall be fixed by the council.

SEC. 21. Whenever not in conflict with the Constitution of this State, it shall be permissible, in the following manner, to abolish provision for the election of a treasurer:

An ordinance may be adopted by the vote of the electorate, under the form and restrictions elsewhere in this charter provided, abolishing the provision in this chapter for the election of a treasurer, and for the salary thereof, and substituting in lieu thereof a provision for the appointment of a bank or banks to act as depositary or depositaries of the funds of the city. Such ordinance must provide due safeguards for the proper keeping and disbursement of the funds of the city. It may also name the salary of the official who shall thereafter be elected tax collector; and shall provide that such tax collector shall make daily deposit in the proper depositary, of all sums collected by him as tax collector. Such ordinance may be drawn to cover, supersede and repeal all the provisions of this chapter. It shall not take effect until the close of the term for which the treasurer then in office has been elected.

Chapter V—Street Superintendent.

SEC. 22. The street superintendent shall have the general care of the streets, boulevards, parks, plazas, playgrounds and wharves of the city and it shall be his duty to frequently inspect the same. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions. He shall receive a salary to be fixed by the council.

SEC. 23. He shall frequently inspect all public works pertaining to street improvements while the same are in course of construction; inspect and approve or reject all materials used in such construction, whether done under contract or otherwise; and shall at once report to the council all deviations from contracts, and use of improper material and bad workmanship in such works; and shall have the power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance or by direction of the council. He shall devote his entire time to the duties of his office.

SEC. 24. He shall be appointed by the council, and shall serve for a period of two years.

Chapter VI—City Engineer.

SEC. 25. It shall be the duty of the city engineer to make all surveys, inspections and estimates required by the council. He shall receive a salary to be fixed by the council, and such fees as may be established by ordinance.

SEC. 26. He shall examine all public work done under contract, and report thereon in writing to the council.

SEC. 27. He shall on application of any person owning or interested in real property in the city, for a survey or plat of such property, make and deliver the same upon the payment of his fee therefor.

SEC. 28. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office, and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

SEC. 29. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work made or done by him, or under his direction or control during his term of office for the city, shall be the property of the city.

SEC. 30. He shall perform such other duties as are prescribed by this charter or as may be imposed by ordinance or by direction of the council.

SEC. 31. He shall be appointed by the mayor with the approval of the council, as elsewhere provided, and shall serve for a period of two years.

ARTICLE IV.

JUDICIAL AND LEGAL.

Chapter I—Police Court.

SECTION 1. The judicial power of the city shall be vested in a police court to be held by the police judge of the city. Said police court shall have jurisdiction concurrently with the justices' courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried

in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinance of the city, of all actions founded upon any obligations or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of Alameda County, from all judgments of said police court, in like manner and with like effect as in cases of appeals from justices' courts.

SEC. 2. The police judge shall be judge of the police court and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall receive for his services a salary to be fixed by the council, and in addition thereto, shall be entitled to charge and receive such fees as are or may be allowed by law to justices of the peace for like services in civil actions.

SEC. 3. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in any justice of the peace residing in the county.

SEC. 4. The police judge must be an attorney-at-law, duly admitted to practice by the Supreme Court of the State. He shall be elected in the same manner and at the same time as the mayor and shall hold office for four years.

SEC. 5. The foregoing provisions of this article shall not take effect until the council shall deem it necessary or expedient to establish a police court, as above provided for, and shall by ordinance so declare and establish the same. Until the council shall so ordain, the provisions of the general laws of the state applicable to city justices of the peace shall be and continue in full force and effect.

Chapter II—City Attorney.

SEC. 6. There shall be a city attorney who shall be appointed by the council, and who shall have been an elector of the city for at least four years next before his appointment, and shall be an attorney and counselor-at-law duly admitted to practice by the Supreme Court of the State, and shall have actually been engaged in the practice of his profession for a period of at least four years next before his appointment, and whose term of office shall be two years and until his successor is appointed and qualified. It shall be his duty to prosecute on behalf of the people all criminal cases before the police court and justices of the peace, for all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party or in which the city may be legally interested. He shall be in attendance at every meeting of the council unless excused therefrom; and shall give his advice or opinion in writing whenever required by the council, board of education or other city officers. He shall be the legal advisor of all city officers; he shall approve the form of all bonds given to and all contracts made with the city; he shall, when required by the council or any member thereof, draft any and all proposed ordinances for the city and amendments thereto; and he shall do and perform all such things touching his office as the council or mayor may require of him, and shall, at the expiration of his term, surrender all books, papers and documents pertaining to the city's business over to his successor. He shall receive a salary to be fixed by the council.

ARTICLE V.

FINANCE AND TAXATION.

Chapter I—Levying of Taxes.

SECTION 1. On or before the second Monday of May in each year the heads of departments, offices, boards and commissions of the city shall send to the council an estimate in writing of the amount of expenditure, specifying in detail the objects thereof, required in their respective departments, offices, boards and commissions for the fiscal year next ensuing, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the auditor.

SEC. 2. On or before the first Monday of June in each year the auditor shall transmit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for all outstanding funded debts, and the wants of all the departments of the municipal government in detail, showing specifically the amount necessary to be apportioned to each fund in the treasury; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

SEC. 3. The council shall have power, and it shall be their duty to provide by ordinance, a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this charter, which system shall conform, as nearly as the circumstances of the case may admit, to the provisions of the laws of this State in reference to the assessment, levy and collection of state and county taxes, except as to the time for such assessment, levy and collection;

Provided, that taxes on real property shall be due and delinquent at the same time that state and county taxes are now due and delinquent.

SEC. 4. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment shall attach as of twelve noon, on the first Monday in March of each year, and shall not be satisfied or discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

SEC. 5. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of State and county taxes levied in Alameda County. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of State and county taxes in said county;

Provided, that the council may, by ordinance, regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed; and such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of collections of State and county taxes in said county.

SEC. 6. All sales for delinquent taxes shall be made to the City of Alameda, unless otherwise regulated by ordinance.

SEC. 7. The council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

SEC. 8. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city, under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the State when offered for sale for State and county taxes, and the council shall have the same powers and duties in relation to such property as are given by law to the State Board of Equalization in case of a sale to the State, but no certificate or receipt need be delivered to the State Controller.

SEC. 9. No officer shall be required to send or transmit any statement or report to any State officer or board.

SEC. 10. All papers and instruments required to be filed or recorded with or by the county recorder by the revenue or taxation laws of this State, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the county recorder of Alameda County.

SEC. 11. Whenever the council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high school building, sewer, property, water right, bridge, canal, tunnel or other public improvement, or utility, the cost of which in addition to the other expenditures of the city will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose and proceed therein as provided in the constitution of this State and the general law or laws thereof, now or hereafter in force.

SEC. 12. Except as otherwise provided in this charter no money shall be drawn from the treasury unless in consequence of appropriations made by the council and upon warrants duly drawn thereon by the auditor.

SEC. 13. No warrant shall be drawn except upon an unexhausted specific appropriation.

SEC. 14. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessments upon the property benefited, shall be binding or of any force unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract as certified by the board or officer making the same. This provision shall not apply to work done or supplies furnished, involving the expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract by public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remain unapplied and unexpended such amount so specified by the officer making the contract, and thereafter shall hold and retain such sum to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish monthly, and oftener if requested, to the head of each department a statement of the unexpended balances of the appropriation for such department.

SEC. 15. The amount of the tax levy shall be sufficient to provide for the payment during the fiscal year, of all demands upon the treasury authorized to be paid out of the same; but such levy exclusive of the tax to pay the interest and maintain

the sinking funds of bonded indebtedness of the city, and exclusive of the tax to pay for street and sewer work and to pay for the maintenance and improvement of the parks, squares and public grounds of the city shall not exceed the rate of one dollar on each one hundred dollars valuation of the property assessed. The council in making the levy shall apportion the taxes to the several funds.

SEC. 16. The limitation in the section last preceding shall not apply in case of any great necessity or emergency. In such case the limitation may be temporarily suspended, so as to enable the council to provide for such necessity or emergency. No increase over the dollar limit shall be made in the rate of taxation authorized to be levied in any fiscal year, unless such increase be authorized by ordinance adopted by vote of the people or passed by a three-fourths vote of the council and approved by the mayor. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and be entered in the journal of the board. Nothing in this section shall authorize the incurring of liabilities against the treasury not allowed by law or which cannot be paid out of the income and revenue provided, collected and paid into the proper fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

SEC. 17. The council shall, subject to the provisions of this charter, fix the amount of municipal revenues and provide by ordinance for the collection thereof. They shall, from time to time, provide for the payment of the interest and principal of the bonds for which the city is liable.

SEC. 18. The council shall authorize the disbursement of all public moneys except as otherwise specifically provided in this charter.

SEC. 19. At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands fully adjudicated, the council shall direct the treasurer to transfer all surplus moneys to the general fund, except such surplus moneys as are in the several interest and sinking funds, in the school fund, in the library fund and in such other funds the disposition of whose surplus moneys is in this charter otherwise provided for.

SEC. 20. The assessment of property within the city made by the county assessor of Alameda County and the State Board of Equalization may be the basis of taxation of the city, unless the council on or before the fourth Monday of July in any year, shall, by ordinance, elect to have an independent assessment made by the city assessor for such year; in which event such ordinance shall prescribe the time within which such assessment shall be made, and the method of making the same, and shall provide for such clerical assistance as may be required to properly prepare such assessment.

SEC. 21. Should any property in the city, however, not be assessed by the county assessor, the city assessor shall assess and enter the same in the "Subsequent Assessments" provided for in the next section.

SEC. 22. It shall be the duty of the assessor at any time subsequent to the first Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head "Subsequent Assessments," and shall deliver a true copy thereof, duly certified by him, to the city clerk, to be by him compared with the entries on the assessment roll.

SEC. 23. The council shall meet at the usual place of holding meetings on the first Monday of September of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been received. They shall have power to hear complaints, and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. They may also, partially, or wholly, relieve from taxation any improvements, structures or fixtures used exclusively for manufacturing, erected or placed in the city subsequent to the first day of January, 1906; *Provided*, that no particular property shall be exempt from taxation for more than two years.

SEC. 24. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the city clerk, who shall act as clerk of the board of equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which said tax is to be levied in said year.

Chapter II—The Several Funds.

SEC. 25. The income and revenue paid into the treasury shall be at once apportioned to and kept in separate funds, one of which shall be designated the general fund, and which shall consist of money received into the treasury not specifically apportioned to any other fund.

SEC. 26. Except as otherwise provided in this charter, any moneys remaining at the end of any fiscal year in any interest and sinking fund or in a fund provided by a special bond issue for a specific purpose, the school fund, the library fund and the electric fund, shall be carried forward and apportioned to the respective funds for the ensuing fiscal year.

SEC. 27. Any demand against the treasury or against any fund thereof remaining unpaid at the end of the fiscal year for lack of money applicable to its payment,

may be paid out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue when collected.

Chapter III—The Custody of Public Moneys.

SEC. 28. All moneys arising from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any officer of the city in his official capacity, or from any department of the city, for the performance of any official duty, and all moneys accruing to the city from any source, and all moneys directed by law or by this charter to be paid or deposited in the treasury, shall be paid into the treasury. All officers or persons collecting or receiving such moneys must pay the same into the treasury daily.

SEC. 29. No salaried officer, except as otherwise provided in this charter, shall receive or accept any fee, payment or compensation either directly or indirectly for any services performed by him in his official capacity, or any fee, payment or compensation for any official service performed by any of his deputies, clerks or employés, whether performed during or after official business hours. No deputy, clerk or employé of such officer shall receive or accept any fee, compensation or payment other than his salary as now or hereafter fixed by law, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

SEC. 30. Every fee, commission, percentage, allowance or other compensation authorized by law to be charged, received or collected by any officer for any official service, must be paid daily by the officer receiving the same, to the treasurer, except as otherwise provided in this charter. The treasurer shall place the same to the credit of the general fund.

SEC. 31. The auditor or other proper officer must deliver from time to time to the treasurer, and to every officer authorized by law to charge any fee, commission, percentage, allowance or compensation, for the performance of any official service of duty, as many official receipts as may be required, charging therewith the treasurer or other officer receiving them. Such receipts must be bound into books containing not less than one hundred such receipts, and numbered consecutively, beginning with number one in each class required for each officer for each fiscal year, and provided with a stub corresponding in number with receipt. When the books containing receipts are exhausted by the officer receiving them, he shall return the stubs thereof to the auditor or other proper officer, in whose custody they shall remain thereafter.

SEC. 32. When a receipt as herein provided is issued by the treasurer or other officer, he must state therein the date of payment, the name of the person making the payment, and the amount of such payment, the nature of the service for which the charge is made, and the name and official disignation of the officer performing the service, and shall make corresponding entries on the stub of each receipt.

SEC. 33. On the first day of each month the treasurer, tax collector and city marshal, and every officer authorized by law to charge any fee, commission, percentage, allowance, or compensation, must make to the auditor a report under oath of all moneys received by him during the preceding month, showing the date and number of the receipt on which the money was received, the amount of each payment, by whom paid, the nature of the service, and the name and official designation of the officer performing the service. At the same time, or oftener, if required by the auditor, each officer above named shall exhibit to the auditor all official receipts received by him during the preceding month, and all official receipts remaining in his hands, unused or not issued, at the close of business on the last day of the preceding month.

SEC. 34. The demand of the auditor for his monthly salary shall be audited and allowed by the mayor. All other demands on account of salaries fixed by law, ordinance or this charter, and made payable out of the treasury, may be allowed by the auditor without previous approval. All demands payable out of any fund in the control of any board, commission or committee, before they can be allowed by the auditor or paid, must be regularly approved by such board, commission or committee. All demands on the treasury for salaries, wages, compensation of deputies, clerks, assistants or employés in any office or department must, before they can be audited or paid, be first approved in writing by the officer, board or department of authority under whom or in which such demand originated. All other demands payable out of any fund in the treasury must, before they can be allowed by the auditor or paid, be approved by the department, board or officer in which or with whom the same have originated, and in all such cases must be approved by the council, and if for more than two hundred dollars, also by the mayor.

SEC. 35. Every demand against the city shall, in addition to the other entries and endorsements upon the same required by this charter show: 1. The ordinance or authorization under which the same was allowed. 2. The name of the board, department or authority authorizing the same. 3. The fiscal year within which the indebtedness was incurred. 4. The appropriation provided to meet the demand. 5. The name of the specific fund out of which the demand is payable. Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided, collected and paid into the proper specific fund in the treasury for the fiscal year within which the indebtedness was incurred.

ARTICLE VI.

PUBLIC SCHOOLS AND LIBRARIES.

Chapter I—Board of Education.

SECTION 1. The government of the school department of the city shall be vested in a board of education, to consist of five members, to be called school directors, who shall receive no compensation. They shall be appointed by the mayor, subject to approval by the council as provided in Article II, Section 17, subdivision 31, and shall hold office for the term of five years and until their successors have been appointed and qualified; *provided*, that the directors first appointed shall, at their first meeting, so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, four, and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment by the mayor in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected and qualified.

SEC. 3. The board shall hold regular meetings at least once in each month, and at such other times as it may determine by its rules. Special meetings may be called at any time by its president; and the president shall call a special meeting at any time when requested in writing so to do by any two members. It shall establish rules for its proceedings. The presence of a majority of its members shall be necessary for the transaction of business. In every instance where a power is exercised by the board under this article the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except otherwise provided in this charter.

SEC. 4. In addition to the powers and duties prescribed by the general laws of the State, the board of education shall have power:

One. To establish and maintain public schools in the City of Alameda, including kindergarten, primary, grammar, high, technical, evening and physical and manual training schools, and to change, consolidate and discontinue the same as public welfare may require.

Two. To manage and control the school property.

Three. To employ, pay, promote, transfer and dismiss such teachers and persons and at such times as may be necessary to carry into effect its powers and duties; to fix, alter and approve their salaries and compensation, and to withhold for good and sufficient reasons the whole or part of the salaries or compensation of any person or persons employed as aforesaid.

Four. To make, establish and enforce all necessary rules and regulations for the government, efficiency and progress of the schools.

Five. To establish and regulate the grade of schools and adopt a course of study, not in conflict with that prescribed by higher state authority.

Six. To provide the school department with all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

Seven. To build, repair, alter, rent and provide school houses and to furnish them with proper furniture, apparatus and appliances, and to insure any and all school property against loss by the elements.

Eight. To recommend and arrange for the purchase, sale, lease and exchange of school lots and other school property for the City of Alameda; to take charge of any and all real estate and personal property which may have been or may hereafter be acquired for the use and benefit of the public schools of the city; *provided*, that no real estate shall be bought, sold or exchanged without the consent of the council or of the people evidenced by ordinance; *and, provided further*, that the proceeds of any such sale of real estate or of personal property shall go into the school fund of the city.

Nine. To sue and to prosecute and defend actions at law or in equity in the name of the board of education, and to employ counsel therefor in case the city attorney be disqualified or unable to act. Service of process upon the president or upon the majority of the members of the board shall be sufficient to give jurisdiction.

Ten. To establish regulations for the proper use, application and manner of disbursing for school purposes only, all moneys belonging to the school fund, subject to the forms and methods of accounting required by the city auditor.

Eleven. To admit non-resident children to any department of the public schools at their discretion, upon the payment as the board may direct, of tuition fees to be fixed by the board; *provided*, that said fees shall not be less than the cost per capita per pupil.

Twelve. To admit, and it shall be their duty to admit adults to free tuition in evening schools, but no child under the age of twelve shall be admitted to such schools.

Thirteen. To employ and dismiss school census marshals, and to fix, alter, allow and order paid their compensation.

SEC. 5. The board of education shall appoint a superintendent of schools, whose term of office shall be four years, unless sooner removed by a four-fifths vote.

SEC. 6. In any investigation by the board into matters connected with the school department, the president of the board of education is vested with the power of issuing subpœnas, and the board can compel the attendance of witnesses and the production of documentary and other evidence. The president and each member of the board is vested with the power of administering oaths or affirmations in all matters pertaining to the school department.

SEC. 7. No teacher shall be elected to a position in any of the public schools of the city unless he or she be a properly accredited graduate of either a California State Normal School, the University of California, the Leland Stanford Junior University, or of an institution of equal rank, or who has had at least two years' successful teaching experience.

Chapter II—Superintendent of Schools.

SEC. 8. It shall be the duty of the superintendent to give his full time to the duties of his office as the same may be prescribed by law, by this charter and by the board of education. His compensation shall be fixed by the board of education. He shall be ex-officio secretary and shall act as bookkeeper for the board without pay as such. He shall keep his books and accounts in conformity with the requirements of the auditor.

SEC. 9. There shall be appointed by the board an assistant secretary, at a salary to be fixed by the board. The secretary and assistant secretary shall each have power to administer oaths and affirmations in matters connected with the school department.

SEC. 10. The superintendent shall attend all sessions of the board and shall report to the board upon such subjects and in such detail as may be required by the board, or as he may deem for the interest of the department.

Chapter III—School Finances.

SEC. 11. It shall be the duty of the board of education to fix and determine annually the amount of school tax necessary for the establishment, support and maintenance of the public schools of the city and for the carrying into effect all provisions of law regarding the same; and in pursuance of this provision the board shall on or before the second Monday in May of each year, submit in writing to the council an estimate of the whole amount of money to be received from the State and county, and an itemized estimate of the amount to be required from the city for the above mentioned purposes; and the amount so found to be required from the city shall, by the council, be added to the amounts otherwise provided by them to be assessed and collected for city purposes, and when collected the proceeds thereof shall immediately be paid into the school fund of the city, to be drawn out only on order of the board of education as herein provided; *provided*, that such annual tax shall not, for high school purposes, exceed the sum of fifteen cents, and for all other schools, the sum of twenty cents, on each one hundred dollars of the assessed valuation of the real and personal property within the city, to be exclusive of all taxes levied for the purpose of paying principal and interest on bonded indebtedness.

SEC. 12. All claims against the school department which shall have been allowed by the board of education in the manner and form prescribed by it, this charter and the auditor, shall be paid by the treasurer upon warrants ordered drawn by the board of education, signed by its president and secretary and by the auditor, from the proper designated fund of school moneys; *provided*, that the board of education shall not have power to create any debts or liabilities in any one year to exceed the available funds of that year, under the control of the board of education and justly applicable for school purposes for such year; *provided further*, that in case of disaster from fire, water, riot, earthquake or public enemy the board of education may, with the approval of the mayor and council, incur extraordinary expenses for the repair, construction and furnishing of school houses, in excess of the annual limit provided by this charter, and the council may, by ordinance, cause to be transferred to the school fund from the general fund sufficient moneys to pay the same.

SEC. 13. The board shall cause to be prepared in July of each year, a detailed tabulated statement showing the income and expenditures of the department, and such other information as to employés, attendance, etc., and general condition of the schools as will fully show the work accomplished by the department during the previous year.

Chapter IV—Teachers' Annuity Fund.

SEC. 14. The provisions of this chapter shall take effect upon and after a referendary vote has been taken thereon, and the majority of the qualified electors voting thereon have voted therefor.

SEC. 15. It shall be the duty of the council to provide annually for the levy and collection of a tax of five mills on each one hundred dollars of taxable property in the city. The proceeds of this tax shall be set apart in the city treasury in a fund to be known as the Teachers' Annuity Fund, and said fund shall be drawn upon for no purpose other than the purposes in this chapter designated.

SEC. 16. Subject to the provisions of this charter the board of education shall have control of the disbursement of this fund and said board is empowered to receive donations and bequests to said fund, which donations and bequests, if in money, it shall immediately on receipt thereof, deposit in the city treasury to the credit of the fund.

SEC. 17. Any teacher who shall have served thirty years in the public schools of this city shall be entitled to retire from service and to become an annuitant under the provisions of this chapter. Any teacher who shall have served twenty-five years in the public schools of this city, and who shall, by the board of education, have been discharged from service by reason of incapacity shall be entitled to become an annuitant.

SEC. 18. Any person who, under the provisions of this chapter, shall be entitled to become an annuitant, shall be entitled to receive, subject to the provisions hereinafter set forth, such sum per month as shall equal fifty per cent. of the average salary paid to said teacher during the last ten years of his or her term of service in the public schools of the City of Alameda.

SEC. 19. Whenever there shall be in the teachers' annuity fund a sum sufficient therefor the board of education shall cause to be drawn on said fund warrants in payment of annuities to all annuitants entitled to receive the same. In case there be not sufficient money with which to make one month's payment of all the annuities otherwise due and payable to said annuitants, then the board of education shall defer the drawing of the warrants aforesaid, until such time as there shall be in said fund sufficient money to pay the same.

Chapter V—Free Library.

SEC. 20. The Alameda Free Library shall be under the management of a board of five trustees, to be known as the board of library trustees, and who shall serve without compensation. They shall be appointed by the council, and shall hold office for the term of five years and until their successors have been appointed and qualified; *provided, however*, that the trustees first appointed shall at their first meeting so classify themselves by lot that they shall respectively go out of office at the expiration of one, two, three, four and five years after their appointment. Any vacancy occurring prior to the expiration of a term shall be filled by appointment in the manner heretofore provided, such appointee to serve for the remainder of the unexpired term.

SEC. 21. The board shall organize within one week after the first appointment and annually thereafter, by electing one of its number president. It shall also elect a secretary, who shall hold office during the pleasure of the board.

SEC. 22. The board shall appoint a librarian and such other employés as may be necessary, and fix their compensation and may remove them at their will.

SEC. 23. The board shall have full charge, management and control of the library and of all the real and personal property thereto belonging, or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the gift, devise or bequest, or with this charter. Regular meetings shall be held once in each month, and special meetings may be held as the board may determine. A majority of its members shall constitute a quorum.

SEC. 24. The board shall have power:

One. To make and enforce such rules, regulations and by-laws as may be necessary for the administration, government and protection of the library and all the property thereto belonging or in its custody.

Two. To administer any trust declared or created for such library.

Three. To purchase any and all real and personal property necessary for the purposes of the library, and to repair, sell, or otherwise dispose of personal property.

Four. To draw warrants, duly certified by the president and secretary on the library fund, to pay authorized expenditures, which warrants, when duly audited, the treasurer shall pay out of said fund; and generally to do and perform all acts necessary for the proper carrying into effect of the provisions of this charter with reference to the library.

Five. To establish, maintain or discontinue such branches of the library as the board may deem best.

SEC. 25. The board shall, annually, on or before the first Monday of July of each year, make a report to the mayor and council giving a full statement of the condition of its trust, and a statistical resumé of all matters pertaining to the library property and management occurring during the previous year, and shall, on or before the second Monday of May in each year, recommend such tax levy or other matter pertaining to the library as to them may seem necessary or of interest.

SEC. 26. There shall be levied by the mayor and council, and collected as in other cases, annually, a tax not exceeding one mill on the dollar of the assessed value of taxable property in the City of Alameda for the purposes of the library.

SEC. 27. All money and revenue derived for the use of the library, from whatever source, shall be paid into the city treasury and be known as the library fund, which shall be kept separate from all other funds and which shall be drawn upon and used only for the purposes of the library as herein authorized.

ARTICLE VII.

POLICE AND FIRE.

SECTION 1. The police and fire departments shall be under the management of a board of three commissioners to be appointed by the mayor from among the qualified electors of the city, subject to approval by the council as elsewhere provided. They shall hold office for the term of four years, except the first board appointed. They shall be the head of the police and fire departments.

SEC. 2. The commissioners shall enter upon their duties within thirty days after their appointment, and they shall organize as a board by electing one of their number president. At the first meeting of the board the commissioners shall, by lot, so classify themselves that one of their number shall hold office for a term of two years, one for a term of three years and one for a term of four years. The board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks, and employés; and may require bonds from its subordinates for the faithful performance of their duties.

SEC. 3. The board shall hold regular meetings at least once a month and special meetings at such other times as it may appoint, or of which the president may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon the records of the board, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks in the office of the board. The meetings of the board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution.

SEC. 4. The board shall keep a record of its transactions, specifying therein the names of the commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length and the record shall be approved by the board.

SEC. 5. The officers, members and employés of the police and fire departments shall be appointed by the board; but no appointment or removal shall be made by the board for political purposes, nor shall any removal be made except for cause established to the satisfaction of the board, after due investigation or trial. The salaries of officers, clerks, and employés of the board except so far as the same are otherwise designated in this charter, shall be fixed from time to time by the council in its discretion on recommendation of the board.

SEC. 6. The board shall have power:

One. To prescribe the qualifications, duties, badges of office and uniforms of officers, members and employés of said departments.

Two. To prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for their violation.

Three. To hear and determine all complaints of misconduct, inefficiency, violation of the rules and regulations, or other charge against any officer, member or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline and efficiency of said departments.

Four. To appoint and remove at their discretion special policemen, who shall be under the supervision and control of the chief of police; *provided, however*, that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the mayor.

Five. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said board by this charter, or by any ordinance passed pursuant thereto, or by the constitution and laws of this state, and in general to manage and control said departments.

SEC. 7. The board shall have the custody and control of all property, buildings and equipments now or hereafter used by or belonging to said police and fire departments.

SEC. 8. The board shall annually report to the council an estimate of the amount of money that will be required to pay all salaries and expenses of the police department and of the fire department for the ensuing year, specifying in detail the proper items for which the same will be required.

SEC. 9. The board shall make semi-annual reports to the council of its acts and expenditures, and also of the condition of said departments.

SEC. 10. The board shall determine and report to the council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional houses, apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required; but the action of the board with respect to the necessity of these matters shall be only advisory to the council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the council. All contracts let and work ordered for said departments shall be let and ordered by the council; and the board shall see that the same are faithfully carried out and performed; *provided, however*, that the board shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of one hundred and fifty dollars the bills for such urgent repairs to be ordered paid by the council.

SEC. 11. First. The police department shall consist of a chief of police, who shall be the executive head of the police department, and such sergeants, detectives and patrolmen as may be necessary, not exceeding in the aggregate, on the regular force, one to every one thousand inhabitants of the city.

Second. The employés of the fire department shall consist of a chief engineer, who shall be the executive head of the fire department, and such number of assistant engineers, fire wardens, and other employés as the council may, by ordinance, authorize on recommendation of the board.

SEC. 12. Any officer, member or employé of the police or fire departments, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member or employé, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member or employé; but not more than thirty days' pay shall be forfeited for any one offense. All moneys so forfeited shall be paid into a fund to be established and disbursed under such regulations as the board may adopt, for the benefit of the sick and disabled members and the families of deceased members of the department of which the offender may be an officer, member or employé. The board shall render to the council a verified itemized account of all moneys so received and disbursed during the preceding year.

SEC. 13. In all investigations or trials conducted by said board, the president thereof shall have the power to issue subpœnas for and compel the attendance of witnesses and the production of papers before it. Such subpœnas shall be served by any policeman. Any member of the board may administer oaths and affirmations in the conduct of said investigations.

SEC. 14. The officers and employés of both the police and fire departments, employed by the city at the time of the adoption of this charter, shall be retained in their several positions, unless removed for cause as hereinbefore provided.

ARTICLE VIII.

HEALTH.

SECTION 1. There shall be a health department under the management of a board of health. Said board of health shall consist of five members who shall be appointed by the council, and of whom four shall be physicians, duly licensed under the laws of the State of California. One may be appointed from among the councilmen.

The members of the board, as such shall serve without compensation. They shall hold office for the term of five years and until their successors are appointed and qualified; *provided*, that the members of the board first appointed shall at their first meeting so classify themselves that they shall go out of office at the expiration of one, two, three, four and five years respectively.

SEC. 2. The board shall organize within one week after the first appointment, and annually thereafter, by electing one of its number president, whose term of office shall be one year and until his successor is elected.

SEC. 3. Regular meetings of the board of health shall be held at least once each month, and special meetings when called by the president or by any two members, and all meetings shall be public.

SEC. 4. Said board of health shall have supervision of all matters appertaining to the sanitary condition of the city and the public institutions thereof, and full powers are hereby given to said board over all questions of foul drainage, and the disinfection and sanitary cleaning of streets, alleys, cellars, cesspools, sewers, or nuisances of any description, and of places within the city limits so situated as to receive and retain unhealthy deposits.

SEC. 5. The board of health shall exercise a general supervision over and be the custodian of all the death records now belonging to the city, and they shall cause to be kept in books prepared for the purpose, complete records of all deaths and the causes thereof, and shall also keep a record of all births occurring in the city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable, vital and mortality statistics in the city, and to prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and by the consent of the council may provide and maintain ambulances and may establish a pest-house and provide the necessary attendants and supplies therefor.

SEC. 6. The council may, by ordinance or otherwise, make and enforce such orders and regulations as the board of health may from time to time recommend; and all expenses necessarily incurred by the board of health in carrying out the provisions of such orders and regulations shall be provided for by the council.

SEC. 7. The sum in the annual budget for the city tax levy apportioned by the council for the use of the health department shall be deposited in the city treasury as a fund to be known as the health department fund. Said fund shall be under the exclusive control of the board of health, subject to such restrictions as are provided in Article III, Chapter II of this charter.

SEC. 8. The board of health, within two weeks from the time of its organization, shall elect a city physician, who shall also act as health officer and secretary of the board of health. He shall receive such compensation for all his services as may be fixed by the board of health. He shall not be a member of the board of health. He shall be an elector of the city and a duly licensed physician under the laws of the State of California, and actually engaged in the practice of his profession therein. He shall hold his office during the pleasure of the board and must see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record

of all the transactions of the board of health, as well as all the records appertaining thereto. He shall have the powers of a police officer, and shall make an extended annual report to the board of the affairs pertaining to his office, including mortuary and other statistics, with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

SEC. 9. The city physician shall attend, when called upon, the indigent sick or wounded in the city, and shall have charge of any receiving hospital or dispensary established for the benefit of emergency cases and the sick poor, and when deemed necessary by the board of health, he may employ nurses to assist him in the care of the sick or wounded.

SEC. 10. The city physician, as health officer, shall visit, once in each quarter, all public buildings and school houses in the city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition.

SEC. 11. The city physician, as health officer, shall promptly report in writing to the city superintendent of schools the name and residence of every person sick with any infectious or contagious disease. Said city superintendent of schools, when so notified, must refuse admittance to the schools of any member of a household one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician, or from the health officer, that there is no longer any danger from infection or contagion.

SEC. 12. When a case of infectious or contagious disease is reported to the city physician, he may visit the premises where the person is, and, when satisfied that said disease exists, he shall place a yellow flag or conspicuous notice on said premises, which shall remain during the continuance of the said disease on said premises.

SEC. 13. The city physician may cause to be removed to a hospital any person in the city affected with smallpox, and may, with the consent of the board of health, cause to be removed to a hospital any person affected with any infectious disease. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pest-house, the health officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

SEC. 14. The city physician shall vaccinate, free of charge, all poor persons applying to him.

SEC. 15. Within two weeks from the time of its organization, the board of health shall appoint a veterinarian and food inspector, and may from time to time appoint additional food inspectors, whose duties shall be prescribed by the board and who shall hold office during the pleasure of the board, and shall receive such compensation as may from time to time be fixed by the board. The veterinarian shall be duly licensed under the laws of the State of California.

SEC. 16. The board of health within two weeks after its organization shall appoint a sanitary inspector, who shall be a skilled and practical plumber, an elector of the city and a resident therein for not less than one year. His duties shall be prescribed by the board of health. He shall be clothed with the powers of a police officer and hold his office during the pleasure of the board of health. His salary shall be fixed by the board of health.

SEC. 17. Every member of the board of health and the health officer may administer oaths on matters connected with the health department.

ARTICLE IX.

PUBLIC UTILITIES.

Chapter I—Department of Electricity.

SECTION 1. There shall be a department of electricity which shall be under the management and control of a board of three commissioners, to be known as the board of electricity. They shall receive no compensation. They shall be appointed by the mayor, subject to the approval of the council as elsewhere provided, and shall hold office for three years, and until their successors are appointed and qualified; *provided, however*, that the members first appointed shall at their first meeting so classify themselves by lot that they shall go out of office in one, two and three years, respectively, after their appointment. They shall be electors of the city. They shall have charge of the construction and maintenance of the electric light and power works, now owned by the city, of the fire alarm and police telegraph and telephone systems and of such telegraph and telephone systems as the city now owns or may hereafter own or control. They shall organize within one week after the first appointment, and annually thereafter, by electing one of their number chairman, whose term of office shall be one year and until his successor has been elected. The city clerk shall act as secretary of the board and shall keep the minutes and records thereof.

SEC. 2. The board of electricity shall hold regular meetings at least once in each month, and at such other times as it may determine. Special meetings may be called at any time by any member, due notice in writing being given to the other members. Its meetings shall be open to the public.

SEC. 3. In every instance when a power is exercised by the board of electricity under this charter, the vote thereon shall be taken by ayes and noes and entered on the minutes of the board, except as otherwise provided herein.

SEC. 4. The board of electricity shall cause to be kept a proper and comprehensive system of accounts, in such form as shall be approved by the auditor, showing in detail the receipts from all sources and showing in segregation the expenditures for running expenses, betterments and purchase of new machinery.

SEC. 5. Subject to the restrictions elsewhere in this charter expressed, the board of electricity shall have power:

One. To manage and control the property of the city appertaining to the electric department; and to superintend the construction, maintenance and improvement of the electric plant, the management, sale and distribution of power, light and heat and the collection of rates for the same.

Two. To purchase all machinery, materials, fuel and supplies necessary for the maintenance and efficient operation of the department.

Three. To employ, pay, transfer and dismiss such employés of the electric department and at such times as in their judgment may be necessary; to fix, alter and improve their salaries and compensation, to withhold for good and sufficient cause the whole or any part of the salaries or compensation of any person employed by them; to make, establish and enforce all necessary regulations for the efficiency of the department.

SEC. 6. The board of electricity shall present to the council annually in each year a detailed report for the year ending June 30, which shall show the amount of money received from all sources, and the balance on hand. The report shall show in segregation the amounts expended for salaries and other running expenses, betterments, purchase of machinery and any other subdivision required by the auditor. It shall also give a complete inventory of the property under the control of the board, together with an itemized statement of the cost, condition and present value thereof; with such other information and suggestions as the board may deem of general interest. The board of electricity shall also make to the council regular monthly reports of the receipts and expenditures for the preceding month, segregating the items of expenditure as above provided.

SEC. 7. On or before the second Monday in May in each year the board of electricity shall submit to the council an estimate of the income which may be expected to be derived during the ensuing fiscal year from the sale of electric current, and an estimate of the amount which in their judgment will be needed from the city for betterments, repairs and running expenses, including the expense of lighting the public streets and buildings of the city, the cost of the current for the fire alarm system and such other public use as they may estimate will be required and recommend a rate to be charged.

SEC. 8. All moneys apportioned by the council for use of the department of electricity, together with all moneys collected by the board of electricity, shall be set apart in a fund to be known as the electric fund, which fund shall be drawn on only by order of the board of electricity except as otherwise provided in this charter.

SEC. 9. The board of electricity shall not have power to create any debts or liabilities in any one year to exceed the actual revenue or available means in the city treasury under their control; *provided*, that in case of disaster, fire, riot, earthquake or public enemy the board may, with the approval of the mayor and council, incur extraordinary expenditures; and the council may by ordinance cause to be transferred to the electric fund from the general fund sufficient moneys to pay the same.

SEC. 10. All moneys collected by the board of electricity from any source shall be by them deposited with the city treasurer or city depository on the same day on which they are collected, and in such manner as shall be prescribed by the auditor.

SEC. 11. The rates to be charged for electric light, power and heat shall be fixed annually by the council.

SEC. 12. No part of the money in said electric light fund shall be used for any purpose other than the following:

One. The council at the time of fixing the general tax levy shall apportion from said fund an amount sufficient to meet all payments coming due, as principal or interest, on all outstanding electric light works bonds, before the time of fixing the next general tax levy, and the money so apportioned shall be used to meet such payments and for no other purpose.

Two. For the necessary expenses of conducting the electric department, operating the works and making the repairs, extensions and betterments necessary to meet the requirements of the city and other consumers.

SEC. 13. Every demand on the electric fund shall be signed by two members of the board and attested by the signature of their secretary, giving the date of its approval.

SEC. 14. All contracts for supplies, materials, machinery or construction work where the amount to be expended exceeds five hundred dollars shall be advertised and awarded to the highest bidder, except that the board may determine to reject all bids.

SEC. 15. Whenever the City of Alameda shall acquire any public utility under the provisions of this charter, the mayor shall provide for the control and opera-

tion of said utility by the appointment of a board of three commissioners, and their duties and powers shall be prescribed by ordinance on lines similar to those provided in this charter for the government and control of the board of electricity.

ARTICLE X.

ALCOHOLIC LIQUORS.

SECTION 1. It shall be unlawful for any person, firm or corporation to establish, open, keep, maintain or carry on within the City of Alameda any saloon, bar, store, dramshop, tippling place, stand or any place where spirituous, malt or fermented liquors or wines or any admixture thereof, are sold or given away, or for any person, firm or corporation (except as hereinafter provided) to sell or barter or give away within the limits of the city any spirituous, malt or fermented liquors or wines or any admixture thereof, without having permission pursuant to an ordinance of the council or people, as provided in this article. The provisions of this article shall not apply to the sale or dispensing of the said liquors, or any of them, by a regularly and duly licensed pharmacist, in the course of his business as a druggist, for medicinal purposes, at his drug store, when the same are sold or dispensed upon a prescription of a duly and regularly licensed physician. Violation of any of the provisions of this section shall constitute a misdemeanor.

SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for, and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or any admixture thereof.

SEC. 3. No license provided for in this article shall be granted for a sum less than five hundred dollars per annum, payable quarterly in advance.

SEC. 4. No remission of any such license shall be made during the period for which it is granted, and the bonds required to be given by keepers or proprietors of saloons or drinking houses shall not in any case be fixed at less than one thousand dollars.

SEC. 5. No license issued under the provisions of this article shall be assignable or transferrable without the consent of the council endorsed thereon, such consent being evinced by resolution, and only to such person, firm or corporation as may have filed a bond as heretofore provided, and complied in all other respects with such preliminary requirements as are provided by law.

Provided, that in case any licensee is charged with violation of the provisions of this article or of any ordinance imposing restrictions on his conduct as such licensee, which charge or charges result in an investigation by the council or by any court or other body authorized by law to conduct such investigation, then during such investigation or during a trial upon such charge or charges, and also after conviction, if the same shall follow, no transfer of said license shall be granted.

SEC. 6. Upon sufficient cause being shown or proof furnished to the council that any person, firm or corporation holding a license under the provisions of this article has violated any of the provisions thereof, or of any ordinance of the city relative to the sale of liquors, the council shall, upon notice being given to the person, firm or corporation so licensed, revoke such permission, cancel the license and declare the bond forfeited. Any license shall be revoked ipso facto by judgment of conviction of the holder thereof of a felony or of the violation of any of the provisions of any ordinance by this article authorized.

SEC. 7. No license shall be issued entitling the licensee to carry on the business licensed at more than one place. Each licensee shall at all times keep his license posted in a conspicuous place in his saloon or place of making sales thereunder, so that the license shall at all times be easy to be read by any person entering said place.

SEC. 8. No license shall be required for the purpose of selling liquors at wholesale to any retail dealer in the city who holds a license under the provisions of this article.

ARTICLE XI.

Chapter I—Elections.

SECTION 1. Elections to be held in the City of Alameda for the purpose of electing officers thereof, and for all other purposes, shall be of two kinds, general municipal elections and special municipal elections.

SEC. 2. General municipal elections shall be held on the second Monday in April, in each odd numbered year, and shall be for the purpose of electing all officers made elective by the terms of this charter, and for other purposes in this charter provided. The first election under this charter shall be held on the second Monday of April, 1907.

SEC. 3. Special municipal elections for all such purposes shall be held on such days as shall be fixed by the council therefor, and also on such days as are elsewhere provided for in this charter

SEC. 4. All general and special municipal elections shall, in all respects as nearly as may be, he held and conducted in accordance with the provisions of the

laws of the state for the holding of general elections in effect at the time, and the council shall make all necessary arrangements for holding said elections in accordance therewith; and the canvass and the declaring of the result of all elections by the council shall be in accordance with the provisions of the state laws and of this charter.

SEC. 5. The qualifications of an elector at any election held in the city in pursuance of this charter shall be the same as those prescribed by the laws of this state for electors at any general election in force at the time of such election.

SEC. 6. At the first election held under this charter a full council shall be elected, who shall hold office as elsewhere in this charter provided, and until their successors are elected and qualified. Members of the council and other elective officers shall take office at eight o'clock P. M. on the third Monday in April next after their election.

Chapter II—Mode of Nomination and Election.

SEC. 7. The mode of nomination and election of all officers except councilmen nominated from wards, to be voted for at any general municipal election shall be as follows:

Not later than thirty days and not earlier than sixty days before any general municipal election, electors of the city may, by written petition, present names of candidates for election. The signatures to the said petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number when such disignation by street and number can be given. One of the signers of each paper shall swear that the statements therein made are true, and that each signature to said paper is a genuine signature of the person whose name purports to be thereto subscribed.

Each candidate shall be proposed by not fewer than fifty electors of the city. No more than one candidate may be named in any one petition, and no person may sign more than one petition for a candidate for any one office.

SEC. 8. Such petition shall be presented to the city clerk, and if accompanied by the written acceptance of the nominee, shall be filed by the city clerk. He shall immediately examine the great register and therefrom and from certificates of registration shall ascertain whether or not such petition is signed by the requisite number of qualified electors; and if necessary the council shall allow him extra help for the purpose, and he shall within five days, attach his certificate to said petition, showing the result of his examination.

If by the clerk's certificate it shall appear that the petition has not been signed by the requisite number of electors as herein provided, it may be amended within five days from the date of said certificate by the further addition of names. The clerk shall, within five days after such amendment, make like examination of said amended petition and shall certify to the result of his examination.

SEC. 9. If the petition shall be found to be sufficiently signed as herein provided the clerk shall enter the name of the candidate so nominated in a list, and shall, not later than ten days prior to the election, certify said list as being a list of candidates nominated as required by this section, and shall cause said certificate, together with said list of names and the offices for which the candidates were respectively nominated, to be published at least five successive days prior to the election, in two daily newspapers published in the city.

SEC. 10. The city clerk shall cause ballots to be printed, numbered and bound, which ballots shall contain said list of names and of the respective offices as published; and the following caption: "Municipal Election, City of Alameda, (inserting date thereof). To vote, stamp or write a cross opposite the name of the candidate voted for or the measure voted on."

The names of the candidates shall be arranged on such ballots in the following order: "For Mayor, vote for one"; "For Auditor and Assessor, vote for one"; "For Treasurer and Tax Collector, vote for one"; "For Police Judge, vote for one," following with the name of any other office to be filled at that election except that of councilman, the names of the candidates for councilmen to be the last on the ballot; *provided* that at the first election held under the provisions of this charter the tickets shall read, as regards councilmen to be nominated at large, "Vote for two."

The names of the candidates for each office shall be arranged in alphabetical order. There shall be nothing on any ballot indicative of the source of nomination or of support of any candidate.

SEC. 11. The mode of nomination and election of councilmen nominated from wards shall be as is heretofore provided in this article with the exception that the signatures to the petitions for each such councilman shall be limited to those of electors from the ward in which the councilman resides, and each petition shall be signed by not less than twenty electors. The names of councilmen nominated from wards shall be preceded by these words: "For Councilman from —— Ward" (naming the ward) "vote for one."

SEC. 12. Each ballot shall contain blank spaces underneath the printed names of offices, wherein a voter may write the name of any candidate for whom he may wish to vote.

SEC. 13. The ballots shall be printed on paper provided by the Secretary of State, which paper shall be such as is provided for use at State elections, and the

form provided for State elections shall be adhered to as closely as practicable, and still conform to the provisions of this chapter.

SEC. 14. Each elector may vote for as many of said candidates as there are offices to be filled, by writing or stamping a cross in the square opposite the name of the candidate. The candidates in number equal to the number to be chosen, who have the highest number of votes, shall be declared elected.

SEC. 15. Any candidate nominated to fill a vacancy and to serve the remainder of an unexpired term, may be nominated as above provided, but such candidate shall be designated on the ballot as a candidate to fill a vacancy, and the term of the vacancy shall be stated.

SEC. 16. If any candidate who shall have received the highest number of votes shall prove to be disqualified, then the qualified candidate who shall receive the number of votes next highest shall be entitled to the office.

Chapter III.

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof, who shall be subject to removal as provided by this charter and by general law.

ARTICLE XII.

MISCELLANEOUS.

SECTION 1. Whenever in this charter the word "city" occurs, it means the City of Alameda, and every department, board and officer, whenever either one of them is mentioned in this charter, means a department, board, or officer, as the case may be, of the City of Alameda.

SEC. 2. The fiscal year shall begin with the first day of July, and end with the last day of June of each year.

SEC. 3. All officers mentioned in this charter, elected or appointed, at the time of their election or appointment, must be citizens of the United States and residents of the city, and must continue to so reside in the city during their respective terms of office or employment.

SEC. 4. Compensation of city officers shall not be increased or diminished during the terms of their respective offices.

SEC. 5. The restriction in this article in regard to citizenship and residence shall not apply to school teachers, except that immediately after their appointment they shall become and shall continue to be residents of this city.

SEC. 6. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively, without the permission of the council, or shall fail to qualify by taking the oath of office and filing his official bond whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of any felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The mayor shall have the power to appoint suitable persons to fill vacancies in any office, except as this charter otherwise provides. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor.

SEC. 7. The improvement, widening and opening of streets, the planting of trees, and all other matters not specified in this charter, shall be done, and assessments therefor levied, in conformity with and under the authority conferred by general law.

SEC. 8. The mayor, the auditor and the city clerk shall together count the money in the treasury at least once in three months, and see if the amount on hand tallies with the amount that should be in said treasury shown by the proper books of the city, and they shall make a written report thereof to the council.

SEC. 9. All officers and boards shall turn over and deliver to their respective successors designated in this charter, all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control.

SEC. 10. No member of the council, or of any board, and no officer or employé of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor shall either or any of them receive any gratuity or advantage from any contractor or person furnishing labor or material for the same.

SEC. 11. No officer of the city shall give or promise to give to any person, any portion of his compensation, or any money or any valuable thing in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

SEC. 12. No officer or employé shall accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé, or any one under his charge, or from any candidate or applicant for any position as employé or subordinate under him.

SEC. 13. A violation of any provision of the three sections last preceding shall cause a forfeiture of his office, and he shall be forever disbarred and disqualified from being elected, appointed or employed in the service of the city.

SEC. 14. Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, ordinance or this charter, shall be liable to the city individually and on his official bond for the amount of the demand so illegally approved, allowed or paid, and shall forfeit the office which he holds and be forever disbarred and disqualified from holding any position in the service of the city.

SEC. 15. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities, or by order of the mayor.

SEC. 16. Copies or other extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five cents for certifying to such certified copy or extract.

SEC. 17. Except where otherwise provided for by law or this charter, all public offices shall be kept open for business during such hours as may be provided by ordinance.

SEC. 18. Every officer authorized by law or ordinace to allow, audit or certify demands upon the treasury, or to make any official investigation, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing relative thereto.

SEC. 19. Unless otherwise provided by law or this charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employé, shall have the right to remove any person so appointed. This right shall not apply to the removal of appointees on the several boards or commissions, which boards or commissions are, by this charter, vested with the management and conduct of branches or departments of the government of the city.

SEC. 20. All ordinances, resolutions and regulations of the city in force at the time this charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

SEC. 21. All officers of the city when this charter takes effect shall continue to hold and exercise their respective offices under and in accordance with the terms of this charter, until the election or appointment and qualification of their successors provided for herein.

SEC. 22. The board of trustees of the present City of Alameda shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result thereof.

SEC. 23. The compensation of all paid officers and employés of the city for whose compensation no provision has been made in this charter, shall be fixed by the council.

SEC. 24. It shall be the duty of every officer and person in the employ or service of the city, when it comes to his knowledge that any contract or agreement with the city or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the mayor all facts and information within his possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employé as in the case of malfeasance in office.

SEC. 25. All advertising required by the city may be published in a daily newspaper printed and published in this city, and which newspaper shall have been established at least one year immediately preceding the date of the contract for doing such advertising.

SEC. 26. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of different kinds of material or supplies than has been actually received, shall be guilty of malfeasance and shall be removed from office.

SEC. 27. Should any part or parts, provision or provisions of this charter be illegal or unconstitutional, such illegality or unconstitutionality shall destroy and render null and void only the part or provisions so illegal and unconstitutional, and all the other parts and provisions of this charter shall be in force and effect, so far as may be, as though such illegal part or provision had not been contained herein.

SEC. 28. For the purpose of holding and conducting the elections provided for by Section 6 of Article XI of this charter, this charter shall take effect from the time of the approval of the same by the Legislature; and for all other purposes this charter shall take effect at 8 o'clock P. M. on the second Monday in April, 1907.

SEC. 29. This charter may be amended in accordance with the provisions of the Constitution of this State.

WHEREAS, The City of Alameda, a city containing a population of more than ten thousand inhabitants, did on the 27th day of January, 1906, at a special election

held under and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, elect a board of fifteen freeholders to prepare and propose a charter for said city,

Be it known that in pursuance of said provisions of the Constitution and within a period of ninety days after such election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the said City of Alameda, and that in proposing and submitting such charter the said board of fifteen freeholders pursuant to said provision of the Constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the proposed charter, two alternative propositions, hereinafter stated and designated respectively as "Alternative Proposition No. 1," and "Alternative Proposition No. 2."

Said alternative propositions shall be submitted to the voters for their approval or rejection, and if one or both be approved by majority vote, shall, one or both, take the place or places of two certain other provisions embodied in the foregoing charter.

The said Alternative Propostion No. 1 shall, if approved by majority vote, take the place of Section 2, Article X of the proposed charter; and the said Alternative Proposition No. 2 shall, if approved by majority vote, take the place of Chapter III, Article XI, of the proposed charter.

Said alternative propositions shall be submitted to the voters at the same election at which the charter shall be sumitted, and upon the ballots shall be printed: "Shall Alternative Proposition No. 1, providing for limiting to twenty, the number of licenses which may be granted to retail liquor saloons take the place of Section 2, Article X?" and "Shall Alternative Proposition No. 2 providing for a mode of removal, by the electors of the city, of elected and appointed officers, said mode being known as the Recall, take the place of Chapter III, Article XI?"

ALTERNATIVE PROPOSITION NO. 1.

Shall the following be substituted in place of Section 2, Article X?

SEC. 2. Subject to the provisions of this charter the council shall have power by ordinance to impose all license taxes for, and to confine within the limits of time and place and otherwise regulate the selling and giving away of any spirituous, malted or fermented liquors or wines or an admixture thereof;

Provided, that the council shall not have power to grant more than twenty of the licenses or permits specified in this article to be in force at any one time. The licenses granted shall be numbered consecutively from 1 to 20, and not more than one license bearing any one number from 1 to 20, inclusive, shall be valid at one time.

ALTERNATIVE PROPOSITION NO. 2.

Shall the following chapter be substituted in place of Chapter III, Article XI?

Chapter III—Recall.

SEC. 17. The term of each office, elective or appointive, shall be limited to the good behavior of the holder thereof who shall be subject to removal as provided by this charter and by general law.

SEC. 18. The removal by the electors of the city, of any elected officer, may be effected as follows:

A petition or petitions, signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote cast for mayor, at the last preceding general municipal election, demanding an election of a successor of said incumbent, shall be addressed to the council and filed with the city clerk. Said petition shall contain a general statement of the grounds for which said removal is sought. The method of procedure after the filing of the petition shall be as provided in Sections 27 and 28, Chapter III of Article II.

SEC. 19. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted, and the result thereof declared in all respects as are those of other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he request otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some person other than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who has received the highest number of votes shall fail to qualify within ten days after receiving notification of his election, the office shall be deemed vacant and shall be filled by appointment, as elsewhere provided; *provided* that no one who has been recalled under the provisions of this chapter shall be appointed to fill a vacancy. If the incumbent has received the highest number of votes, he shall continue in office.

SEC. 20. The holder of any appointive office may be removed by the electors of the city. The initial procedure to effect such removal shall be as provided in Section 18 of this article.

SEC. 21. The council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election and the same shall be conducted and the result thereof declared in all respects as are other city elections.

SEC. 22. If, prior to the publication by the council, as provided in Section 19 of this article, the office which is sought by the petition to vacate, has been legally vacated, by resignation or otherwise, further proceedings under the petition shall thereupon terminate, and the office shall be filled by appointment of a person other than the former incumbent, as elsewhere in this charter provided.

SEC. 23. In case such office shall not have been vacated prior to publication by the council, as provided in Section 22 of this article, a referendary vote shall be had as provided in this article. The tickets to be voted at such referendum shall be as follows: "For the removal of ———," naming the officer the removal of whom is sought to be accomplished, and "Against the removal of ———," naming the officer whose removal is sought to be accomplished.

The ballots shall be provided with squares at the right hand of each voting proposition, in which the voter may make a cross, indicative of his vote.

SEC. 24. In case the result of the ballot shall show a majority vote against removal the incumbent shall continue to hold office. In case the result shall show a majority vote for removal, he shall, upon the announcement thereof, as elsewhere provided, cease to hold office, which shall thereupon by the council be declared to be vacated, and the vacancy shall thereupon be filled as is elsewhere provided for the filling of the said office.

IN WITNESS WHEREOF we have hereunto set our hands and seals at the City of Alameda, State of California, this 26th day of April, 1906.

Done in duplicate.

EDW'D K. TAYLOR President.	(Seal)
GEO. A. MOORE Vice-President.	(Seal)
BRAINARD C. BROWN	(Seal)
ISAAC N. CHAPMAN	(Seal)
P. W. BARTON	(Seal)
E. J. BEVAN	(Seal)
FREDERICK E. MASON	(Seal)
JULIUS MAGNIN	(Seal)
J. D. JAMISON	(Seal)
J. C. LINDERMAN	(Seal)
WILLIAM H. NOY	(Seal)
H. G. MEHRTENS	(Seal)
PAUL K. BUCKLEY	(Seal)
H. M. KEBBY	(Seal)
HENRY MICHAELS	(Seal)

Board of Freeholders, City of Alameda, State of California.

Attest: BRAINARD C. BROWN, Secretary.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF ALAMEDA.—ss.

I, Wm. J. Gorham, President of the board of trustees of the City of Alameda, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were on the 27th day of January, 1906, at a special municipal election held in said City of Alameda on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety days after said election as required by Section eight of Article eleven of the Constitution of this State; that said proposed charter was then published in the Alameda Daily Argus and in the Daily Encinal which then were daily newspapers of general circulation in said city, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter as required by said Section eight to wit: on the 18th day of July, 1906, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter and the alternative propositions submitted therewith; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole, excepting that Alternative Proposition No. 1 and Alternative Proposition No. 2 therein contained, being each separately voted on, were each ratified by a majority of such votes and were therefore chosen and substituted respectively for Section 2 of Article X and for Chapter III of Article XI of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said City of Alameda on the 6th day of August, 1906, and

the result thereof declared as above set forth and that in all matters and things pertaining to said proposed charter the provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF I have hereunto set my hand and caused the corporate seal of said City of Alameda to be affixed this 31st day of December, 1906.

WM. J. GORHAM,
President of the Board of Trustees of the City of Alameda, State of California.

Attest: J. W. GILLOGLY,
[SEAL.] City Clerk of said City of Alameda.

AND WHEREAS, Said proposed charter with said two alternative propositions so ratified has been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section eight of Article eleven of the Constitution of the State of California.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), that said charter of the City of Alameda including said two alternative propositions as presented to, adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said City of Alameda.

Senate Concurrent Resolution No. 2 read.

The roll was called.

Pending the announcement of the result, Mr. Otis moved a call of the House.

Such was the order.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Berry, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

Whereupon, on motion of Mr. Baxter, further proceedings under the call of the House were dispensed with.

The Speaker then declared Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Messrs. Baxter, Berry, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—Mr. Johnson of Sacramento—1.

Senate Concurrent Resolution No. 2 ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That the State Controller be, and he is hereby directed to draw his warrant in favor of J. C. Schaden, President Red Men's Hall Association, for the sum of twelve hundred and fifty dollars ($1,250) out of the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same; being in payment of the Assembly's portion—one-half—of the expense contracted for by the Secretary of State for certain changes necessary in the building which we are now occupying, bill for same hereto attached; said action on the part of the Secretary of State being authorized by the Board of Capitol Commissioners October 12, 1906, as per the following:

"EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, October 12, 1906.

"The Board of Capitol Commissioners met on the above date in the Governor's office. There were present Governor Pardee and Secretary of State Curry. On motion the following resolution was passed:

"WHEREAS, The architects and superintendents of construction of the improvement work on the State Capitol building have informed the Board that the Capitol building will not be in condition for the meeting of the Legislature beginning in January, 1907, and it is therefore necessary to secure a temporary meeting place therefor,

"*Resolved*, That the Board approves and ratifies the selection of the Red Men's building in Sacramento as the most suitable place for the meeting of the next Legislature, and the Secretary of State is hereby authorized to make necessary arrangements for the securing of said building for such purpose.

J. A. ELSTON, Secretary."

SACRAMENTO, January 16, 1907.

STATE OF CALIFORNIA
To Red Men's Hall Association, Dr.

Contract with Secretary of State to certain changes in building for accommodation of Legislature, $2,500.

J. C. SCHADEN, President.

Attest: A. DUNBAR, Secretary.

Approved: C. F. CURRY, Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses

RE-REFERENCE OF BILLS.

On motion of Mr. Eshleman, Assembly Bill No. 502 was recalled from Committee on Judiciary and referred to the Committee on Ways and Means.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Mr. Wyatt moved that the vote on Assembly Bill No. 384 whereby the bill was passed be reconsidered.

The roll was called, and the same reconsidered by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—56.

NOES—None.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Mr. Wyatt moved that a select committee of one be appointed to amend the bill as follows:

By placing a semicolon instead of a period at the end of line 4 of the printed bill, and inserting thereafter the following: "*and, provided further*, that no rights acquired under the provisions of said Section 384 shall be affected hereby, but the same shall be continued in force under the provisions of said Section 404."

Motion carried.

Mr. Wyatt was appointed by the Speaker as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof—with instructions, do now report that the instructions of the Assembly have been carried out.

WYATT, Select Committee.

Report of select committee and amendment adopted.

Assembly Bill No. 384 ordered to reprint and reëngrossment.

RESOLUTION.

The following resolution was offered:

By Mr. Cornish:

WHEREAS, There has been referred to the Committee on Fish and Game certain bills calling for appropriations of money for various fish hatcheries and for the establishment of additional fish hatcheries, carrying appropriations;

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit the State fish hatcheries and the proposed sites for additional fish hatcheries, and examine the same to ascertain the needs thereof and the amounts required for the various purposes;

WHEREAS, It is advisable that all the members of said Fish Committee visit such fish hatcheries and sites proposed for additional fish hatcheries, to find out the needs and requirements of such hatcheries and the amount necessary to be appropriated, and said committee desire leave of absence for that purpose; therefore, be it

Resolved, That all the members of this body who are members of said Fish and Game Committee be and they are hereby granted leave of absence to visit fish hatcheries and proposed sites for additional fish hatcheries, and that said leave of absence extend from and including Wednesday, January 30, 1907, and including Sunday, February 3, 1907.

Resolution read, and referred to Committee on Rules and Regulations, to report next legislative day.

RE-REFERENCE OF BILLS.

On motion, Assembly Bills Nos. 161, 162, and 163 were recalled from Committee on Ways and Means and referred to Committee on Public Grounds and Buildings, and Assembly Bill No. 159 to Committee on Counties and County Boundaries; Assembly Bill No. 130 from Committee on Public Grounds and Buildings to Committee on Ways and Means; Assembly Bill No. 508 from Committee on State Prisons and Reformatory Institutions to Committee on Judiciary; and Assembly Bill No. 22 from Committee on Judiciary to Committee on Revenue and Taxation.

THIRD READING OF BILLS.

Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 7—Relative to county and township offices.

Constitutional amendment read.

Mr. Root moved to amend Assembly Constitutional Amendment No. 7 as follows:

Insert after the word "fees," in line 10 of printed bill, the words "which may be."

Amendment adopted.

Assembly Constitutional Amendment No. 7 ordered to print.

Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

Constitutional amendment read.

The following amendments were submitted by the committee:

COMMITTEE AMENDMENT NO. 1.

Amend by striking out the word "high," on line 15 of printed bill, and inserting in lieu thereof the following: "secondary."

Amendment adopted.

COMMITTEE AMENDMENT NO. 2.

Amend by striking out the words "(amendment adopted November 4, 1902)," on lines 19 and 20 of printed bill.

Amendment adopted.

Assembly Constitutional Amendment No. 8 ordered to print.

Assembly Constitutional Amendment No. 5—Amending the Constitution providing for free public school books.

Constitutional amendment passed on file.

Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors.

Bill passed on file.

Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Weske, Whitmore, Wilson, Wyatt and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relative to studies to be taught in the primary and grammar schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett,

Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts."

Bill passed on file.

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Bill passed on file.

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Whitmore, Wyatt, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read third time.

Mr. Estudillo moved that a select committee of one be appointed to amend Assembly Bill No. 430 as follows:

By inserting in the title, after the word "appropriation," the following: "to pay the deficiency in the appropriation."

Also: By inserting after the word "pay," in Section 1, line 4 of printed bill the following: "the deficiency in the appropriation."

Motion carried.

Mr. Estudillo was appointed such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and

insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years—with instructions, do now report that the instructions of the Assembly have been carried out.

ESTUDILLO, Select Committee.

Report of select committee and amendments adopted.

Assembly Bill No. 430 ordered to reprint, reëngrossment and on file for passage.

Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read third time.

Mr. Estudillo moved that a select committee of one be appointed to amend Assembly Bill No. 477 as follows:

By inserting in the title after the word "appropriation," the following: "to pay the deficiency in the appropriation."

Also: By inserting after the word "pay," in Section 1, line 4, printed bill, the following: "the deficiency in the appropriation for."

Motion carried.

The Speaker appointed Mr. Estudillo as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh and fifty-eighth fiscal years—with instructions, do now report that the instructions of the Assembly have been carried out.

ESTUDILLO, Select Committee.

Report of select committee and amendments adopted.

Assembly Bill No. 477 ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Bill referred to Committee on Ways and Means, but to retain its place on file.

Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Bill read third time.

Mr. Estudillo moved that a select committee of one be appointed to amend Assembly Bill No. 480 as follows:

By inserting in the title after the word "appropriation," the following: "to pay the deficiency in the appropriation."

Also: By inserting after the word "pay" in Section 1, line 4, printed bill, the following: "the deficiency in the appropriation."

Motion carried.

The Speaker appointed Mr. Estudillo as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 480, with instructions, do now report that the instructions of the Assembly have been carried out.

ESTUDILLO, Select Committee.

Report of select committee and amendment adopted.

Assembly Bill No. 480 ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Bill read third time.

The roll was called, and bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cullen, Devlin, Drew, Estudillo, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 18—An Act to amend Section 686 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action.

Bill passed on file.

Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cullen, Cutten, Devlin, Drew, Estudillo, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McMullin, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Whitmore, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Bill passed on file.

Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District No. 70 of Sutter County, and to provide for the construction, maintenance and repairs of levees therein," approved March 27, 1878.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Drew, Eshleman, Estudillo, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Whitmore, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 94.—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Hammon, Hans, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon,

Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cornish, Cullen, Davis, Devlin, Drew, Eshleman, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Ludington, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wyatt, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263—An Act entitled "An Act to amend Section 1669 of the Political Code," relating to the establishment of high schools.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Whitmore, Wyatt, and Mr. Speaker—45.
NOES—Messrs. Beban, Boyle, Bush, Cullen, Fratessa, Hartmann, Jury, Snyder, Strohl, Thompson of San Francisco, and Wilson—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring funds of lapsed school districts to the districts into which they are merged.

Bill passed on file.

Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Davis, Devlin, Drew, Eshleman, Forbes, Fratessa, Hammon, Hans, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, Otis, Percival, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Devlin, Drew, Eshleman, Forbes, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Bill passed on file.

Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18, and by adding a new section, to be known as Section 55*a*.

Bill read second time.

The following amendment was submitted:

Amend by inserting the words "The people of the State of California, represented in Senate and Assembly, do enact as follows:" after the words and figures in Section 55*a* of the title of the printed bill.

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 104—An Act entitled "An Act to amend Section 685 of the Code of Civil Procedure of the State of California."

Bill read second time.

The following amendments were submitted:

1. Amend by inserting an enacting clause as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

2. Amend by inserting the word and figure "Section 1," at the beginning of line 1, of Section 1 of the printed bill.

Amendment adopted.

3. Amend by striking out the following words, being the last two lines of the printed bill: "This Act shall take effect sixty days from and after its passage."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in cases before said Superior Court.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Bill read second time.

The following amendment was submitted:

Amend Section 4, line 21, page 3 of the printed bill, by inserting after the word "therewith" the words "and shall be and become a lien against the said property, and shall be collected at the same time and in the same manner as the other municipal taxes assessed against said property are collected."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending section two of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Bill passed on file.

Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding subdivision 19 thereto.

Bill read second time.

The following committee amendment was submitted:

Amend by striking out the word "assess," in line 74, page 6 of printed bill, and insert in lieu the word "assessor."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 116—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 118—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by adding a

new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the county recorder respecting the registration of marriages, births, and deaths.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill passed on file.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

Bill passed on file.

THIRD READING OF BILL.

Senate Bill No. 59—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California for the purpose of a biological station.

Bill read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Luddington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 5—Approving two certain amendments of the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

Passed on file.

RESOLUTION—(OUT OF ORDER).

Mr. Cutten moved that the rules be suspended and that he be allowed to introduce a resolution out of order.

The motion was carried by two-thirds vote, and Mr. Cutten thereupon introduced the following resolution:

WHEREAS, There has been referred to the Committee on Commerce and Navigation certain bills, viz.: Assembly Bills Nos. 91 and 265, relating to property of the State on the harbor of San Francisco;

WHEREAS, To intelligently act on Assembly Bill No. 91 and Assembly Bill No. 265 it will require a personal inspection of the property affected by these bills;

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit the harbor of San Francisco;

Resolved, That the Committee on Commerce and Navigation, consisting of Assemblymen Cutten, Thompson of San Francisco, Ludington, Leeds, McGuire, Fratessa, Kohlman, Wilson, and Toomey, be and they are hereby granted a leave of absence from and including Wednesday, January 30, 1907, to and including Sunday, February 3, 1907, for the purpose of visiting the harbor of San Francisco, in order to thoroughly investigate and be fully competent to pass on the bills that now are or may be before that committee respecting the harbor of San Francisco.

Resolution read, and referred to Committee on Rules and Regulations.

REPORT OF STANDING COMMITTEE.

Mr. Leeds moved the suspension of the rules and that the Committee on Rules and Regulations be allowed to report forthwith.

The motion was unanimously carried, and the committee thereupon reported as follows:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution by Mr. Cutten:

WHEREAS, There has been referred to the Committee on Commerce and Navigation certain bills, viz.: Assembly Bills Nos. 91 and 265, relating to property of the State on the harbor of San Francisco;

WHEREAS, To intelligently act on Assembly Bill No. 91 and Assembly Bill No. 265 it will require a personal inspection of the property affected by these bills;

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit the harbor of San Francisco;

Resolved, That the Committee on Commerce and Navigation, consisting of Assemblymen Cutten, Thompson of San Francisco, Ludington, Leeds, McGuire, Fratessa, Kohlman, Wilson, and Toomey, be and they are hereby granted a leave of absence from and including Wednesday, January 30, 1907, to and including Sunday, February 3, 1907, for the purpose of visiting the harbor of San Francisco, in order to thoroughly investigate and be fully competent to pass on the bills that now are or may be before that committee respecting the harbor of San Francisco.

Have had the same under consideration and beg to report that said committee can be spared without interfering with the business of the House.

LEEDS, Chairman.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—Messrs. Davis and Devlin—2.

RESOLUTIONS—(OUT OF ORDER).

Mr. Transue, by unanimous consent, offered the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of J. C. Schaden, President Red Men's Hall Association, for the sum of one thousand dollars ($1,000) out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same; being in payment of the Assembly's portion—one half of rental for the month of January, 1907. Bill for same hereto attached.

SACRAMENTO, CAL., January 23, 1907.

STATE OF CALIFORNIA,

To Red Men's Hall Association, Dr.

To rent of building on Tenth, between I and J streets, for month of January, $2,000 (two thousand dollars).

J. C. SCHADEN, President.

A. DUNBAR, Secretary.

Resolution read, and referred to Committee on Contingent Expenses.

Mr. Eshleman, by unanimous consent, offered the following resolution:

Resolved, That when we adjourn we do so to honor the memory of William McKinley, whose birthday we affectionately commemorate.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Mr. Leeds, by unanimous consent, presented the following:

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution offered by Mr. Cornish this day:

WHEREAS, There has been referred to the Committee on Fish and Game certain bills calling for appropriations of money for various fish hatcheries and for establishment of additional fish hatcheries carrying appropriations;

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit the State fish hatcheries and the proposed sites for additional fish hatcheries, and examine the same to ascertain the needs thereof and the amounts required for the various purposes;

WHEREAS, It is advisable that all the members of said Fish Committee visit such fish hatcheries and sites proposed for additional fish hatcheries, to find out the needs and requirements of such hatcheries and the amount necessary to be appropriated, and said committee desire leave of absence for that purpose; therefore, be it

Resolved, That all the members of this body who are members of said Fish and Game Committee be and they are hereby granted leave of absence to visit fish hatcheries and proposed sites for additional fish hatcheries, and that said leave of absence extend from and including Wednesday, January 30, 1907, and including Sunday, February 3, 1907.

Have had the same under consideration and respectfully report that leave of absence can be granted without interfering with the business of the House.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Drew, Eshleman, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—Messrs. Davis, Devlin, and McKeon—3.

ADJOURNMENT.

At five o'clock and twenty minutes P. M., Mr. Transue moved that the Assembly adjourn until ten o'clock A. M. of Wednesday, January 30, 1907.

Motion carried.

Whereupon the Speaker declared the Assembly adjourned out of respect to the memory of the late Hon. William McKinley, President of the United States.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 30, 1907.

At ten o'clock A .M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Higgins, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Smith, Smyth, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Eshleman, the further reading was dispensed with.

SPECIAL ORDER.

The special order heretofore set for consideration at this hour was taken up.

Resolution by the Committee on Rules, relative to granting leave of absence to standing committees of the Assembly.

Mr. Johnson of Sacramento moved that the special order set for consideration at this hour, relative to granting leave of absence to standing committees of the Assembly, be stricken from the file.

Motion carried, and such was the order.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity—report the same back, with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 60—An Act creating and defining the liability of railroad corporations for injuries to employés, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé—with seven amendments, and recommend its passage as amended.

Also: Assembly Bill No. 96—An Act to amend an Act entitled "An Act to establsh a Political Code, approved March 12, 1872" by amending Section 737 thereof, relating to the salaries of judges of the Superior Court—with four amendments, and recommend its passage as amended.

Also: Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops and the amount to be deducted as tare—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds upon the incorporation of municipalities or annexations to municipalities—with one amendment, and recommend its passage as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 317—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1829, relative to district school taxes.

Also: Assembly Bill No. 315—An Act amending Section 1503 of the Political Code of the State of California, relating to normal school diplomas.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

SACKETT, Chairman.

The above reported bills ordered on file for second reading.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on Universities, to whom was referred the following:

Assembly Bill No. 67—An Act authorizing the Regents of the State of California to hold farmers' institutes, and making appropriations therefor.

Also: Assembly Bill No. 254—An Act to appropriate the sum of one hundred and one

thousand three hundred and fourteen ($101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 267—An Act making an appropriation of two hundred and fifty thousand ($250,000) dollars to aid in the construction of a library building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 268—An Act appropriating six thousand ($6,000) dollars for the support of the department of music in the University of California for two years.

Also: Assembly Bill No. 297—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 456—An Act to repeal Article XVI of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and further recommend inasmuch as they carry appropriations, that they be referred to the Committee on Ways and Means.

ESHLEMAN, Chairman.

The above reported bills referred to the Committee on Ways and Means.

ON STATE PRISONS AND REFORMATORIES.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatories, to whom was referred Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

LYNCH, Chairman.

Senate Bill No. 6 ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Also: Assembly Bill No. 356—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Also: Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also: Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1899, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township—have had the same under consideration, and respectfully report the same back, with four amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 21, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

THOMPSON of Los Angeles, Chairman.

The above reported bills ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Also: Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Also: Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Also: Assembly Bill No. 184—An Act to repeal Title VIII, of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Also: Assembly Bill No. 188—An Act to repeal Chapter III, of Title IV, of Part III of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 179—An Act to amend Section 1339 of the Code of Civil Procedure, relating to probate of lost or destroyed wills—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration, with two amendments.

Also: Assembly Bill No 186—An Act to amend Sections 1221, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations, with one amendment.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

WYATT, Chairman.

The above reported bills ordered on file for second reading.

The following minority report of committee was received and read:

ON LABOR AND CAPITAL—MINORITY REPORT.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: A minority, consisting of G. S. Case, of your Committee on Labor and Capital, to whom was referred Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897,—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

CASE.

ON CONTINGENT EXPENSES.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Transue:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of J. C. Schaden, President Red Men's Hall Association, for the sum of one thousand dollars ($1,000) out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same, being in payment of the Assembly's portion—one half of rental for the month of January, 1907. Bill for same hereto attached.

SACRAMENTO, CAL., January 23, 1907.

STATE OF CALIFORNIA,

To Red Men's Hall Association, Dr.

To rent of building on Tenth, between I and J streets, for month of January, $2,000 (two thousand dollars).

J. C. SCHADEN, President.

A. DUNBAR, Secretary.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

Report and resolution read.

Mr. Transue moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Leeds,

Lucas, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Transue:

Resolved, That the State Controller be, and he is hereby directed to draw his warrant in favor of J. C. Schaden, President Red Men's Hall Association, for the sum of twelve hundred and fifty dollars ($1,250) out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same; being in payment of the Assembly's portion—one-half—of the expense contracted for by the Secretary of State for certain changes necessary in building which we are now occupying, bill for same hereto attached; said action on the part of the Secretary of State being authorized by the Board of Capitol Commissioners October 12, 1906, as per the following:

"EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, October 12, 1906.

"The Board of Capitol Commissioners met on the above date in the Governor's office. There were present Governor Pardee and Secretary of State Curry. On motion the following resolution was passed:

"WHEREAS, The architects and superintendents of construction of the improvement work on the State Capitol building have informed the Board that the Capitol building will not be in condition for the meeting of the Legislature beginning in January, 1907, and it is therefore necessary to secure a temporary meeting place therefor,

"*Resolved*, That the Board approves and ratifies the selection of the Red Men's building in Sacramento as the most suitable place for the meeting of the next Legislature, and the Secretary of State is hereby authorized to make necessary arrangements for the securing of said building for such purpose.

"J. A. ELSTON, Secretary."

SACRAMENTO, January 16, 1907.

STATE OF CALIFORNIA,

To Red Men's Hall Association, Dr.

Contract with Secretary of State to certain changes in building for accommodation of Legislature, $2,500.

J. C. SCHADEN, President.

Attest: A. DUNBAR, Secretary.

Approved: C. F. CURRY, Secretary of State.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BERRY, Chairman.

Report and resolution read.

Mr. Transue moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Hammon, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Lynch, McConnell, McKeon, Otis, Pyle, Root, Sackett, Smith, Smyth, Snyder, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

By Mr. Hammon: Assembly Bill No. 551—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Campbell: Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 553—An Act to amend Section 2979 of the Political Code, relating to duties of the State Board of Health.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Johnson of Sacramento: Assembly Bill No. 554—An Act to amend Section 393 of the Penal Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 555—An Act to add a new section to the Penal Code, to be known as section number ——.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 556—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 1742, relating to contracts of conditional sale.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Lucas: Assembly Bill No. 557—An Act to amend Section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Committee on Education: Assembly Bill No. 558—An Act entitled an Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

Bill read first time, and ordered on file without reference.

By Mr. Stetson: Assembly Bill No. 559—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 560—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

Bill read first time, and referred to Committee on Ways and Means.

By Committee on Military Affairs: Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other State, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any Veterans' or Soldiers' Home, or persons of the theatrical profession.

Bill read first time, and ordered on file, without reference.

By Mr. Chandler: Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 563—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to increase the number of clerks

for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk,' approved March 16, 1889, and authorizing the Treasurer of State to appoint one clerk, at an annual salary of $1,600," approved March 26, 1895.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office, and the salaries paid to such employés.

Bill read first time, and referred to Committee on Judiciary.

STRICKEN FROM FILE.

Mr. Sackett asked unanimous consent to withdraw Assembly Bill No. 309, and that the same be stricken from the file.

Consent granted.

Assembly Bill No. 309 ordered stricken from the file.

RE-REFERENCE OF BILL.

On motion, Assembly Bill No. 167 was recalled from the Committee on Ways and Means, and referred to the Committee on State Prisons and Reformatory Institutions.

SPECIAL FILE.

Assembly Constitutional Amendment No. 7—Relative to county and township offices.

Constitutional amendment passed on file.

Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

Constitutional amendment passed on file.

SECOND-READING FILE.

Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Bill passed on file.

Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Bill passed on file.

Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 233—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197*a*, relating to claims against counties for the expense of keeping insane prisoners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill read second time.

The following amendment was submitted by Mr. Wyatt:

By striking out of Section 1, line 13 of printed bill, the word "September," where it occurs the second time in said line, and inserting in lieu thereof the word "December."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 413—An Act to reduce the number of judges in the Superior Court of the County of Shasta from two to one.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Bill read second time.

The following amendment was submitted:

Amend by striking out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. Section one thousand three hundred thirty-nine of the Code of Civil Procedure of the State of California is hereby amended to read as follows:

1339. No will shall be proved as a lost or destroyed will unless the same is proved to have been in existence at the time of the death of the testator, or is proved to have been fraudulently or accidentally destroyed in the lifetime of the testator, and that the testator died in ignorance of such destruction, nor unless its provisions are distinctly proved by at least two credible witnesses.

SECTION 2. This Act shall take effect and be in force from and after its passage.

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 374—An Act to add a new section to the Code of Civil Procedure, to be numbered 1060, in relation to undertakings.

Bill read second time.

The following amendment was submitted:

Amend by striking out all after the words "an act to," where it first appears in printed bill, and inserting in lieu thereof as follows:

"Repeal an Act entitled 'An Act concerning actions for libel and slander,' approved March 23, 1872.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. An Act entitled 'An Act concerning actions for libel and slander,' approved March 23, 1872, is hereby repealed.

SECTION 2. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 488—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Bill read second time.

The following amendments were submitted:

Amend title on line 3, first page of printed bill by inserting after the word "the where it occurs the second time, the words "terms and."

Also:

Amend by striking out of the title the comma after the word "privileges."

Also:

Amend the title on line 3, first page of printed bill, by inserting after the word "privileges" the following: "granted by the legislative or other governing body of counties or municipalities."

Also:

Amend by striking out the words "and fully exonerated from any liability on said old bond or bonds," on lines 7 and 8, Section 2, second page of printed bill.

Amendments adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Bill passed on file.

Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Bill read second time.

The following amendment was submitted:

Amend by striking out the words "five" after the word "of" and "twenty" after the word "and," on line 7, first page, printed bill, and inserting in lieu thereof the following: "four" after the word "of" and "eighteen" after the word "and."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 401—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.

Bill read second time.

The following amendment was submitted:

Amend by striking out the word "twenty" after the word "under," on line 8, first page, printed bill, and inserting in lieu thereof the following: "eighteen" after the word "under."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

Bill read second time.

The following amendment was submitted:

Amend by striking out the words "five" after the word "of" and "twenty" after the word "and" on line 5, first page, printed bill, and inserting in lieu thereof the following: "four" after the word "of" and "eighteen" after the word "and."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 403—An Act in relation to the attendance of pupils in the high schools of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read second time, and the following amendments were submitted:

On page 1 of title, line 1, insert after the word "three" the word "four."

Also: Amend by striking out the word "twelve" after the word "ten" on page 1 of title line.

Also: In Section 1, page 1, and line 1, insert after the word "three" the word "four."

Also: On page 1, Section 1, line 9, strike out the word "twelve."

Also: On pages 3 and 4, strike out all of Section 12.

Also: On page 6, Section 15, line 1, insert after the word "registrar," the words "or local registrar."

Also: On page 6, Section 15, line 6, insert after the word "registrar," the words "or local registrar."

Also: On page 6, Section 15, line 10, insert before the word "shall," the words "or local registrar."

Also: On page 6, Section 15, line 12, insert after the word "registrar," the words "or local registrar."

On page 2, after the period at the end of line 23, insert the following:

Section 4. That the body or remains of no person whose death occurs in the State shall be interred, deposited in a vault, grave or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration district until a permit for burial, disinterment or removal shall have been properly issued by the registrar of the registration district in which the death occurs, except in the case where there are two or more registration districts within the same county, or where there are two contiguous registration districts not in the same county, a body may be removed from the registration district where the death occurred to another registration district within the same county, or contiguous registration districts in different counties, for the purpose of preparing said body for burial or shipment, provided that before such burial or shipment the undertaker, sexton or other person in charge shall have first secured a permit for the interment or removal of said body from the registrar of the registration district where the death occured. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him, as hereinafter required; *provided*, that in case of any death outside of the State, where the body is accompanied by a removal or transit permit, issued in accordance with the law and the health regulations in force where the death occurred, such removal or transit permit shall be accepted as of the same authority as a permit from the local registrar, when such removal or transit permit shall have indorsed thereon the written approval of the State Registrar of Vital Statistics, or when said State Registrar otherwise officially notifies the local registrar of his approval.

Amendments adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 124—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372*a*, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferry boats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 127—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Bill read second time, but to retain its place on file, for the purpose of amendment.

Assembly Bill No. 128—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation.

Bill passed on file.

Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities in relation to the State Board of Health.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 120—An Act to amend Section 2979*a* of the Political Code of the State of California, relating to the preservation of the public health.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

Bill passed on file.

Assembly Bill No. 17—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the City of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 86—An Act to provide for the purchasing of a site and building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same.

Bill passed on file.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Bill passed on file.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the text-book committee.

Bill passed on file.

Assembly Joint Resolution No. 4—Relative to the relief of San Francisco.

Joint resolution passed on file.

SPECIAL FILE OF CODE BILLS—THIRD READING.

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill passed on file.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

Bill passed on file.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Bill passed on file.

Senate Concurrent Resolution No. 5—Approving two certain amendments of the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

Concurrent resolution passed on file.

Assembly Bill No. 18—An Act to amend Section 686 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action.

Bill passed on file.

Mr. Otis asked for and was granted unanimous consent to withdraw Assembly Concurrent Resolution No. 3.

Assembly Concurrent Resolution No. 3 was ordered stricken from the file.

LEAVE OF ABSENCE.

Mr. Stanton asked for and was granted a leave of absence until Tuesday, February 5, 1907.

SUBSTITUTION.

The following substitution was made this day in compliance with the following communication:

R. L. BEARDSLEE, *Speaker*.

Please substitute the name of E. N. Baxter in place of my name on the Committee of Fish and Game, who are to have leave of absence to visit the various fish hatcheries.

W. R. LEEDS.

E. N. BAXTER.

The substitution is hereby granted.

R. L. BEARDSLEE, Speaker.

ADJOURNMENT.

At eleven o'clock and ten minutes A. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, January 31, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, January 31, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Stetson, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wyatt, and Mr. Speaker.—45.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

GOVERNOR'S MESSAGE.

Mr. Transue moved that messages from the Governor be taken up and read.

Motion carried, and such was the order.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 30, 1907.

To the Assembly of the State of California.

I have this day received the following telegraphic dispatch from the Honorable Senators and Representatives from California in the Congress of the United States:

"WASHINGTON, D. C., January 30.

"Hon. J. N. GILLETT,
Governor, Sacramento, California:

"Delegation has just had important conference with President and Secretary of State. At their request we have wired Superintendent of Schools and President of Board of Education of San Francisco to come here immediately for conference. Entire delegation joins in request that you send for leaders in both houses in Legislature and ask that all legislative action concerning Japanese matters be deferred for a short time. We consider this most important.

"GEORGE C. PERKINS.
"FRANK P. FLINT.
"W. F. ENGLEBRIGHT.
"D. E. MCKINLAY.
"JOSEPH R. KNOWLAND.
"JULIUS KAHN.
"E. A. HAYES.
"J. C. NEEDHAM.
"S. C. SMITH."

In view of the apparent importance of this proposed conference and the great interest California has in the result of the same, I would respectfully recommend to your honorable body that the request of the California delegation in Congress be granted, and ask that all legislative action concerning Japanese matters be deferred for the present.

J. N. GILLETT,
Governor of the State of California.

Mr. Transue moved that the wishes of the Governor be granted by the Assembly.

The question was put and the motion carried.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Hewitt arose to a question of personal privilege.

He stated that there appeared in the "Sacramento Bee," of January 26, 1907, an article signed by Mr. Smyth, a member of this body, which reflected on the good character of himself and all other members of the Assembly and the Assembly itself. He then read the objectionable article and called upon Mr. Smyth, who was present, to affirm or deny that the words accredited him by the "Bee" were his own.

After several leading questions were put Mr. Smyth by Mr. Transue, which failed to evince direct answers, the following motion was made:

INVESTIGATING COMMITTEE APPOINTED.

Mr. Johnson of Sacramento moved that Messrs. Davis, Pyle, and Wyatt be appointed a committee to investigate the matter under discussion with the purpose of ascertaining who is or are responsible for the signed article in question, the committee to have full power to send for persons and administer an oath.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 373—An Act to enable executors to sell real property or interests in real property belonging to estates now in probate, without filing a petition as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accounting filed in the Superior Courts were in whole or in part destroyed by the fire of, on or about April 18, 1906, which burned a portion of the City of San Francisco—report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor General—and recommend that it do pass.

Also: Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California—without recommendation.

Also: Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court—and recommend that it do pass.

Also: Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to Superior Courts—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 15—An Act to add a new section to the Penal Code of California, to be known as Section 337*b*, authorizing the recovery by suit of money put up, staked or lost at gaming—with eleven amendments, and recommend its passage as amended.

Also: Assembly Bill No. 216—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers, the officers of courts, or by law, and defining newspapers of general circulation—and recommend that it do not pass.

Also: Assembly Bill No. 372—An Act to enable executor to compel persons having in their possession copies of accounts, exhibits under oaths, inventories, and other documents relating to the probate of any estate which was in course of probate on the 18th of April, 1906, and the records whereof, filed with the Superior Court of this State, were burned in whole or in part by the fire occurring on or about the 18th of April, 1906, which fire burned a portion of the City of San Francisco; to deliver said copies to such executor or executors upon demand made for them, or any of them, accompanied by a copy of an order of court requiring their delivery to such executor or executors; that such executor or executors may make therefrom true and correct copies to be used as records

in the matter of the probate of such estates; and thereafter to re-deliver said copies so produced to the parties from whom they were produced—and recommend that it be referred to the Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 454—An Act to amend Section 348 of the Code of Civil Procedure of California, relating to the time within which actions must be commenced—and recommend that it do pass.

Also: Assembly Bill No. 99—An Act to repeal Section 1036 of the Code of Civil Procedure, relating to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California, and by foreign corporations—with two amendments, and recommend its passage as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading, with the exception of Assembly Bill No. 372, which was referred to the Committee on Revision and Reform of Laws.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class—report the same back with eight amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class—have had the same under consideration, and respectfully report the same back, with five amendments, and recommend that the same do pass as amended.

THOMPSON of Los Angeles, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 391—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State laboratory of plant pathology, and the appointment of a State plant pathologist for this purpose, and making an appropriation therefor.

Also: Assembly Bill No. 441—An Act to amend the title and Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

Also: Assembly Bill No. 497—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.

Also: Assembly Bill No. 498—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979*a*, relating to duties of the State Board of Health.

Also: Assembly Bill No 507—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 127—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

CAMPBELL, Chairman.

The above reported bills ordered on file for second reading.

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

COSTAR, Chairman.

Assembly Bill No. 398 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of juries.

Assembly Bill No. 299—An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts.

Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled, "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Assembly Bill No. 116—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Assembly Bill No. 118—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the county recorder, respecting the registration of marriages, births and deaths.

Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick and for training schools for nurses.

HANS, Chairman.

The above reported engrossed bills ordered on file for third reading.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain

officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAMMON, Chairman.

Assembly Bill No. 106 ordered on file for second reading.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code, relating to the issuance of tax deeds.

Also: Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code relating to the assessment of property for taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 82—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code as it now exists, and to re-ënact and amend said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties—have had the same under consideration, and respectfully report the same back, with six amendments, and recommend that the same do pass as amended, but as said bill also provides for an increase in salary, it is recommended that the said bill be referred to the Committee on Ways and Means.

DEVLIN, Chairman.

Assembly Bills Nos. 149 and 148 ordered on file for second reading.
Assembly Bill No. 82 referred to Committee on Ways and Means.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 85—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same, it being identical with Senate Bill No. 6.

Also: Assembly Bill No. 321—An Act making an appropriation of $3,500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Also: Assembly Bill No. 320—An Act making an appropriation of $7,500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building, and furnishing and equipping the same, at said school.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Assembly Bill No. 228—An Act making an appropriation of $32,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing additional land for the use of said school.

Also: Assembly Bill No. 322—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

LYNCH, Chairman.

The above reported bills ordered on file for second reading, with the exception of Assembly Bill No. 85.

Assembly Bill No. 85, by unanimous consent, withdrawn by its author.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by

adding a new section to said Act to be numbered Section 7½--have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

SACKETT, Chairman.

The above reported bills ordered on file for second reading.

ON LEVEE AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1907.

MR. SPEAKER: Your Committee on Levee and River Improvements, to whom was referred Assembly Bill No. 302—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, to be expended by and under the direction of said board for the purpose of purchasing and operating necessary dredgers and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other channels of the State, and in improving the navigability of such streams—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

BUTLER, Chairman.

Assembly Bill No. 302 ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 157—An Act to amend Section 1372 of the Political Code, relating to primary elections—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

STETSON, Chairman.

Assembly Bill No. 157 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

By Mr. Leeds: Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Birdsall: Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Campbell: Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force, relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Hammon: Assembly Bill No. 568—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different management.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 569—An Act to provide for the consolidation of municipal corporations.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Pyle: Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof," approved March 19, 1889, and March 31, 1891.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Assembly Bill No. 571—An Act to amend Sections 3093, 3094, and 3095 of the Political Code of the State of California, relating to dissection, approved March 12, 1892.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wyatt: Assembly Bill No. 572—An Act to create a preserve for shell fish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserve for commercial purposes.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Butler: Assembly Bill No. 573—An Act to amend Section 1181 of the Penal Code of the State of California by adding a new subdivision thereto, to be numbered 8, relating to granting of new trials.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Davis: Assembly Bill No. 574—An Act repealing an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Johnson of Sacramento: Assembly Bill No. 575—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 576—An Act to amend Sections 2 and 4 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, establishing a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 577—An Act to amend Section 3627 of Chapter III, of Part III, of the Political Code of the State of California, relating to how property shall be assessed.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Cutten: Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Otis: Assembly Bill No. 579—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 8 and 14 thereof, and adding a new section thereto to be numbered and designated Section 9½.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Walsh: Assembly Bill No. 580—An Act to add a new section to the Code of Civil Procedure, relating to costs in civil actions, to be numbered 1040.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks of this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Drew: Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Lucas: Assembly Concurrent Resolution No. 13—Relative to approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22d day of January, 1907.

Referred to Committee on Municipal Corporations.

By Mr. Cutten: Assembly Concurrent Resolution No. 14—Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

Referred to Committee on Municipal Corporations.

By Mr. Davis: Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section one (1) of article four (IV) thereof, relating to the legislative power and to certain reservations thereof by the people.

Referred to Committee on Constitutional Amendments.

By Mr. Walsh: Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations.

Referred to Committee on Constitutional Amendments.

THIRD READING OF BILLS.

Assembly Constitutional Amendment No. 5—Amending the Constitution providing for free public school books.

Constitutional Amendment passed on file.

Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Higgins Johnson of Sacramento, Lucas, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wyatt, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California," relating to the formation of new school districts.

Bill read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Johnson of Sacramento, Leeds, Lucas, Lynch, McConnell McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Transue, Walsh, Wessling, Wyatt, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Bill read third time on a previous day.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Berry, Bishop, Boyle, Butler, Campbell, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas, Lynch, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas, Lynch, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring funds of lapsed school districts to the districts into which they are merged.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas, Lynch, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Bill read third time, and passed on file, for further consideration.

Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in cases before said Superior Court.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Bill passed on file.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending section two of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 116—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs Barry, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Johnson of Sacramento, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by adding a new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the County Recorder respecting the registration of marriages, births, and deaths.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas,

Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses.

Bill read third time.

The roll was called, and the bill passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Bill read third time.

Bill ordered on file for passage.

SECOND READING OF BILLS.

Assembly Bill No. 127—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Bill read second time.

The following amendments were submitted:

COMMITTEE AMENDMENT No. 1.

Amend by striking out the words "three thousand and eighty" on lines 1 and 2 first page, printed bill.

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

On pages 2 and 3 strike out all of section two.

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

On page 3, Section 3, line 1, strike out "Sect. 3" and insert in lieu thereof "Section 2."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

On page 4, Section 4, line 1, strike out "Sect. 4" and insert in lieu thereof "Section 3."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Joint Resolution No. 4—Relative to the relief of San Francisco.

Joint Resolution passed on file.

Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Bill passed on file.

Assembly Bill No. 60—An Act creating and defining the liability of railroad corporations for injuries to employés, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

Bill passed on file.

Assembly Bill No. 96—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 737 thereof, relating to the salaries of judges of the Superior Court.

Bill read second time.

The following amendments were submitted:

COMMITTEE AMENDMENT No. 1.

Amend by inserting before the word "section," in line 1 of Section 1 of the printed bill, the word and figure, "Section 1."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out the word "are" in line 5 of Section 1 of the printed bill and insert in lieu thereof the words "shall be."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Amend by inserting after the word "Alameda" in line 6 of Section 1 of the printed bill the words "Sacramento, Marin."

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by inserting after the word "Tuolumne" in line 13 of Section 1 of the printed bill the word "Orange."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops and the amount to be deducted as tare.

Bill read second time.

The following amendment was submitted:

Amend by striking out all of Section 1 after the figures "995", in line 4 of Section 1 of the printed bill, and insert in lieu thereof as follows: "There shall be allowed on baled hops a tare at the rate of two percentum of the weight of the bale for the cloth and other material used in baling; that is, the tare shall be at the rate of two pounds per hundred on the weight of the bale."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds upon the incorporation of municipalities or annexations to municipalities.

Bill read second time.

The following amendment was submitted:

Amend by adding to Section 2 the following words: "And this Act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 315—An Act amending Section 1503 of the Political Code of the State of California, relating to normal school diplomas.

Bill passed on file.

Assembly Bill No. 317—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1829, relative to district school taxes.

Bill read second time.

The following amendment was submitted:

Amend by striking out all of the section after the word "teachers" on line 9, first page, of printed bill, and inserting in lieu thereof the following:

"Or to pay the tuition at any high school of any pupil residing in said district, or to pay for the transportation, to and from school, of such pupils as may seem to such board to be in need of such transportation. They may, at any regular meeting held prior to the 15th day of August of any year, adopt a resolution reciting that the necessities of the district require an additional sum (naming it), for any or all of said purposes, which shall be specifically set forth in said resolution.

"If the sum required shall not require a tax to exceed twenty-five cents on the one hundred dollars of the assessed valuation of the property within the district, to raise the same, a copy of such resolution shall be transmitted to the board of supervisors on or before the first day of September next following the adoption of said resolution. Notice of the passage of such resolution shall be kept posted conspicuously in three public places within such district, and one at the door of each school house within the district, for at least three weeks immediately following its adoption.

"An affidavit showing such posting shall be filed on or before the second Monday in September next following with the clerk of the board of supervisors. Unless a protest against the levying of said tax is made, signed by forty per cent of the heads of families residing in said district, as shown by the last preceding school census, and filed with the clerk of the board of supervisors on or before the second Monday in September, the board of supervisors shall levy a tax upon the assessable property of the district requesting the same, sufficient to raise the sum desired, in the manner required by Section 1837 of this Code. Such tax, when collected, shall be placed to the credit of the special fund of the district in which it is levied. Instead of exercising the power conferred by this section, proceedings may be taken as provided in the succeeding sections of this article."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

Bill read second time.

The following amendments were submitted:

COMMITTEE AMENDMENT No. 1.

Amend the title by inserting therein after the figures 1897 the following: "and amended March 23d, 1901, and again amended March 12, 1903."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by inserting in line 3, page 1 of printed bill, after the figures 1897, the following: "and amended March 23, 1901, and again amended March 12, 1903."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

Strike out the word "for," in line 7, page 1, of printed bill.

Amendment adopted.

COMMITTEE AMENDMENT No. 4.

Amend by inserting after the word "thousand," on line 11, page 1, of printed bill, the following: "and less than three hundred thousand."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Bill read second time.

The following amendments were submitted:

COMMITTEE AMENDMENT No. 1.

Amend by inserting on line 10, first page, printed bill, after the word "of," the word "the."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by inserting on line 14, second page, printed bill, after the word "any," the word "civil."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Bill read second time.

The following amendment was submitted.

Amend by inserting on line 17, second page of printed bill, after the word "thousand," the word "dollars."

Amendment adopted.

Bill ordered to print and engrossment.

Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 356—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Bill passed on file.

Assembly Bill No. 558—An Act entitled "An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State."

Bill passed on file.

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other State, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any veterans' or soldiers' home, or person of the theatrical profession.

Bill passed on file.

TIME OF RECESS CURTAILED.

On motion of Mr. Davis, the time for taking a recess was extended a sufficient length of time to consider messages from the Senate.

MESSAGE FROM THE SENATE.

On motion, Senate messages were taken up and read as follows:

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 8—Relative to Joint Rules of Senate and Assembly.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

SENATE CONCURRENT RESOLUTION NO. 8.

Resolved, by the Senate, the Assembly concurring, That a committee of three from each house, be appointed by the President of the Senate and the Speaker of the House respectively, for the purpose of submitting a set of Joint Rules for both houses.

The resolution was read and adopted.

APPOINTMENT OF COMMITTEE ON JOINT RULES.

The Speaker thereupon appointed the following as Assembly Committee on Joint Rules: Messrs. Leeds, Johnson of Sacramento, and Walsh.

SUBSTITUTIONS ON COMMITTEES.

R. L. BEARDSLEE, *Speaker*.

Please substitute the name of D. W. Barry in the place of my name on the Committee of Fish and Game, who are to have leave of absence to visit the various fish hatcheries.

W. R. LEEDS.
D. W. BARRY.

The above substitution is hereby made.

R. L. BEARDSLEE, Speaker.

R. L. BEARDSLEE, *Speaker*.

Please substitute the name of E. N. Baxter in my place on the Committee on Public Buildings and Grounds, as I am on Committee on Ways and Means and can not get away.

W. J. COSTAR.
E. N. BAXTER.

I hereby grant the substitution.

R. L. BEARDSLEE, Speaker.

RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Mr. Transue, a recess was declared until two o'clock P. M., this day.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.
Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 233—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197*a*, relating to claims against counties for the expense of keeping insane prisoners.

Assembly Bill No. 413—An Act to reduce the number of judges in the Superior Court of the county of Shasta from two to one

Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.

Assembly Bill No. 403—An Act in relation to the attendance of pupils in the high schools of the State of California.

Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to duties of the Superintendent of Public Instruction.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

Assembly Bill No. 124—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health

Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372*a* declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferryboats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Assembly Bill No. 120—An Act to amend Section 2979*a* of the Political Code of the State of California, relating to the preservation of the public health.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

RESOLUTION.

The following resolution was offered:
By Mr. Davis:

Resolved, That the Sergeant-at-Arms be and he hereby is directed to assign a competent stenographer, from the staff of stenographers now in the employ of the Assembly, to the committee consisting of Assemblymen Wyatt, Pyle, and Davis, appointed for the purpose of investigating certain matters covered by the motion creating said committee.

Resolution read, and, on motion, adopted.

SPEECHES RECORDED.

Mr. Transue moved that the remarks heretofore made by Messrs. Hewitt, Coghlan, Forbes, Walsh, and Johnson of Sacramento, on the expulsion of one Edward J. Livernash, be printed in the Journal of to-day, and to appear therein as if it were the Journal of Thursday, January 24, 1907.

Motion carried, and such was the order.

SPEECHES ON LIVERNASH'S EXPULSION.

Mr. Hewitt was recognized by the Speaker.

Mr. Hewitt said:

Mr. Speaker and Gentlemen of the Assembly.

By the introduction and adoption of this resolution, if it should be adopted, it is not my desire to muzzle the press of this State, and I do not expect that it will have that effect. I recognize fully the power and influence of newspapers, and I appreciate their value in shaping and molding public opinion on any questions which they may discuss. But while this is true, I feel that there are certain rules of common decency which they should observe, and when they do not observe such rules I feel that it is my right and privilege especially when indecent and contemptible articles are published by them which concern myself or any body of men with whom I am associated, to defend myself from such attacks I will add here that personally I do not care what they say or publish of me. I do not propose to take any different course on any measure which may be called to the attention of this body by reason of any criticism of myself which they may see fit to make, nor do I propose to act any differently from what I otherwise would do by reason of any favorable reports or flattery which they may see fit to publish concerning my actions. The only guide which I shall recognize, the only path which I shall follow in my deliberations and actions while a member of this body, will be that guide and path pointed out to me by the promptings of my own conscience as to what I consider right and proper.

But, Mr. Speaker, the article quoted in the resolution under consideration reaches further than a personal attack upon myself and upon the members of this Assembly. It is an attack upon the honor and integrity of every member of this body, and also an attack upon the memory and honor of our departed friend and associate.

Gentlemen of the Assembly, on Monday morning when I and the other members of this body voted to attend the funeral of our deceased associate, John J. Burke, I did not suppose that our motives would be construed in any other manner than that of showing our respect and esteem for the man who, until a few hours ago, was an honored member of this body, and a respected citizen of this State.

For one, I feel that the character of this man as a public and a private citizen justified us in attending his funeral. When I read the contemptible article in the issue of the "Bulletin" of the 22d, written by the correspondent of that paper, to whom we had accorded the privilege of a seat in this hall, I found that his fertile and degenerate mind had ascribed to the members of this body other reasons for attending the funeral of our lamented friend and colleague than those of desiring to honor and respect his name. We went down to Oakland, according to the statements of this wretched biped of humanity, to consult with bosses and to have a programme arranged for our future actions. What a slanderous statement! What a libel on the members of this body! What a contemptible insinuation respecting the memory of our deceased friend! Bosses! More than one half of the members of this Assembly never met the men whom this despicable cur has seen fit to denominate as bosses. As I read the article in question I wondered what the aged father and mother would think when they saw it. Yesterday, when standing by the grave of this noble boy, they certainly must have been comforted by the interest which this body expressed in being present to look with them for the last time upon the form of him whom they dearly loved To-day, if they have read the contemptible article referred to in the resolution, they may have a doubt of our sincerity. We owe it to ourselves; we owe it to the memory of our deceased companion; we owe it to the sorrowing father and mother of our friend that we place ourselves on record as refuting the insulting and contemptible statements made against us by the author of that article, and I know of no way that can be more effective than by the adoption of this resolution. Nor is this alone sufficient. It has been my observation and experience that newspaper correspondents write only that which their papers desire them to do. I believe the article as published was just what the paper wanted. It knew it was publishing a falsehood and a lie, but that made no difference if it would produce a sensation. I am one of those individuals who do not believe that justice can be done by punishing a criminal who is simply performing the bidding of his principal and letting the principal go unpunished. I have more respect, if I may use that term, for the man who will do his own dirty work than I have for the individual who is too cowardly to do it himself, and who seeks to get it done through the office of another.

The "Bulletin" has violated all rules of decency by the publication of this article, and it should be denied any further representation by this body. I hope the resolution will be unanimously adopted.

Mr. Coghlan was recognized by the Speaker.

Mr. Coghlan said:

MR SPEAKER: When the day dawned on the twenty-second of this month, day before yesterday, it is true that there was a calm upon the Capitol. It is true that these halls were not filled with the members from the various parts of this State; it is true we were gone from Sacramento; that we had departed, but I know of no other points in that article which are entirely true, saving those. There was a calm upon the City of Sacramento, a calm at the Capitol. Why? Was it as has been stated here, for political reasons? Was it as has been stated in this article because you and I, Mr. Speaker, and our fellow Assemblymen who are here congregated in the Assembly, went over to petty politics? Was it or was it not? Can it be doubted by any member of the press? Can it be doubted by any member of this house? Can it be doub ed by any member of the House above us, or by the great people of the State of California? Can any one doubt what our motives were in going hence, day before yesterday, in following him, to look once more upon his face, to offer, however humble it might be, our little prayer? Can it be doubted what our motives were? It seemed to me when I read this article, a most egregious offense had been committed by this man. This man Edward, or Edgar—I know not what his name is—J. Livernash. This man has occupied positions of honor in the great State of California. This man whom we would respect if we could. It seems to me the direst crime that he impugned your motives and mine, and the motives of those who followed with us, and those who were attached to this House, who were going over to look just once more upon Jack Burke. His desk is there, draped in mourning It seems to me to be out of place; it seems to me not only that, but to be a villainous accusation, an accusation arising from what depths of iniquity, as I said here in this caucus, I know not; an accusation whispered in that man's ear by what devil from hell I cannot tell. An imputation put upon us which we can not overlook and which we don't blame these gentlemen for, who sit there among those desks in front of you, Mr. Speaker. I, myself, am a great believer in liberty of speech. I believe in stating what you think at all times and at all places. I believe in honest utterances upon all occasions. I believe in just criticisms, and I am willing that they be unjust with me and with mine at times if they do not reflect dishonor upon me—if they do not reflect dishonor upon my dead. It is a distinct issue that we talk upon. It is something set aside from ordinary controversy. It is no attack that we make—we gentlemen of this Assembly—upon the press of California—a press which in the main has been fair and has been conservative and has been right; but it is an attack that we make upon him and upon the principal behind him—the man that sits and puts his hand upon his shoulder and says, "For this and that gold, you write this and that article, and you direct it against these people that are elected to fill their seats here in this Assembly, and there in the Senate above us. For this stipend and under this and that contract. We will pay you for it." This is why we arise to speak upon this question, and that is the reason why we reason this among other reasons. John J. Burke! I little thought when but two days ago we came here together—we, the Assembly and the Senate—when we delivered ourselves of our little eulogy, and we showed the people how we loved him when we followed him there—I little expected that there would be any man in the State of California, any man in the great Union of these States, that would make that statement which was made by Edward J. Livernash in his "Bulletin" of the 22nd day of January, 1907. Far be it from me, Mr. Speaker, and my fellow-members of this House, to inflict upon the press, from which I have had nothing but fairness—far be it from me to attempt to influence my fellow-members against those who sit there in front, and who deserve their seats. I have watched this man as he sat there day after day, with his black countenance, which bore upon it marks that were not human, that were not normal; that had nothing in it that bespoke the man. I have sat here and seen him, as I told that caucus, look out into the land of dreams, and dreaming what villainies he could perpetrate against us, and what dirty sarcasms and dreadful insinuations he could put in the press against us, and what terrible ignominy he could bring against you, my fellow-members, myself, and you, Mr. Speaker. The paper from which he emanates, and I would that I could put that question by, the man that sends him here, this needs ought to be dealt with, and will be dealt with properly by San Francisco through me, for we have our grievances against him and against them. San Francisco, as you know, but a few months ago sustained a crisis that no city has ever sustained before. San Francisco, as you know, is now attempting, Mr. Speaker, to build herself up, to go back to that position which she occupied—to that position, rather, which she occupied previous to the eighteenth day of April, nineteen hundred and six, and she has been deterred in her progress and she has been prevented in her growth, and there have been thrown in front of her obstacles innumerable, and among those who stand first that have opposed her progress and her upbuilding stands the "Bulletin" of the City of San Francisco. I came here during the extraordinary session. There were men here that had been with me in the session of nineteen hundred and five who said to me time and again: "Coghlan, we don t think you are all thieves in San Francisco. We don't believe you are all grafters down there We don't believe the felonious articles emanating from that paper. We don't think what they say is

true." We are not all thieves, God knows. Gentlemen, if they have got anything upon me that can be exploited, if anything can be done to bring it into the light, and if I have done by my city, district or State what is not just, or what is not honest, let it be brought forth. I will plead guilty to it. But it is not done. It cannot be done. My little career, and the little career of this man, paralleling one another, he from one side of the Bay and I from the other, sons of the Golden State of California, both men for the first time were introduced into politics in nineteen hundred and five. Men who came here, not of their own accord, but whose friends sent them here. Why should their names be dragged down? Why should an article like this appear in a paper within my city? I have never in all my career been ashamed of my city or its citizenship, nor ever doubted its integrity. I love its citizens, because upon those gray hills which look out upon the Pacific everlasting, and see coming into this nation all that wealth of commerce, I was born there. Because of these things I have believed in her. But here is a thing—a cruel thing has been done—that not only struck me, that has not only inflicted a wound that I perhaps never could recover from, but reproaches me, and reproaches you and him for going there and saying good-bye to him.

We had flowers here; but yesterday they were white; today they are purple. God grant that each day that little vase be filled as the session goes on. It is a reproach against him—it is not that I resent so much the unnecessary punishment inflicted upon my city, it is not that I resent the retardation of its progress so much, but the motive of the article—such as appears in that article—for going there and saying good-bye. My God, gentlemen! I loved him! Do you not believe it? And I know what your votes will be on this resolution.

Mr. Forbes was recognized by the Speaker.

Mr. Forbes prefaced his remarks with the statement that he was cautioned by the minority that he should not speak for its members, and continuing, said, in part and in substance:

Though I have been reminded by some of the members of my party that I can not speak for them, I will now, I trust, speak as a man, and address you in the language of manhood. I was a man before I was a Democrat. The circumstances and affiliations surrounding me might have determined whether I should be a Democrat or a Republican, but no matter to which side the scale may have been turned, I shall ever reserve the right to be a man, and will ever endeavor to discharge the functions of manhood.

When, on the opening of the present session of this House, I for the first time participated in its deliberations and expressions, daily experience and association with its members led me unalterably to the conclusion that it was a body of high purpose, imbued with honesty and integrity of intention.

A continued experience up to the present has not caused me for a moment to doubt the correctness of this conclusion, notwithstanding contrary and scandalous comments and accusations of a great portion of the press.

During the continuation of these conditions and pleasant relations, while the births of friendships were being ushered in, in some cases, and their more mature stages had been reached in others, none of us could have failed to observe among our number a young man of striking personality, with more than ordinary ability, added to a stern sense of responsibility, and an unswerving honesty of purpose. This was John J. Burke, whose memory we now cherish.

A sable pall has been cast over this House. The hand of the grim reaper has seized our comrade, and the cold damp kiss of death has sealed his lips forever. While hope was bright within his breast, honors waiting upon him and the just pride of honorable parents of declining years, we have consigned him to the tomb, and to the long sleep of death.

It was meet and fitting that this House, as a body, accompany his remains to the place of interment and there deposit them with the solemnities prescribed by those on whom this responsibility rested.

In compliance with ancient custom, and in accordance with our duty to our departed comrade, and in testimony of our sincere sorrow for his death, we reverently laid him to rest. While at the grave of our late departed friend, I thought of that young and useful life arrested in the midst of brightest hope by the remorseless hand of death; I thought of the sorrow-stricken parents who, in their declining years and departing strength, saw thus torn from them the worthy son of their love; I know the rectitude of my intentions and my appreciation of the solemnities of the occasion, and I doubt not that the rectitude of your intention and solemn appreciation of the mournful circumstances were not less in degree than mine.

Under these solemn circumstances and conditions, the subject of this resolution, actuated by an unconceivable malevolence of purpose, attributed to our conduct the basest purpose and the most abominable hypocrisy, and our sincere sorrow, silent and expressed, was mocked by groans of hellish derision, uttered by this foul bird of the night—this wielder of the journalistic bludgeon.

From time to time and habitually, the members of this House have been threatened by this journalistic bludgeon, wielded by certain members of the press, that should they support certain proposed measures, or fail to support others, they would feel the weight of this bludgeon, and be held up to ignominy and scorn, boldly stating that we were utterly devoid of conscience and principle, and intimating that nothing but fear of the conse-

quences they threatened to visit could in any manner restrain us, and thus threatened the liberty and legislative independence of this House. This bludgeon in the hands of an unscrupulous press I look upon as being as dangerous as the physical bludgeon in the hands of the midnight robber and assassin, holding the timid in fear and robbing the worthy of reputations they had earned by an honest and upright life.

This bullying has and will have but little influence on my legislative conduct. No matter how I may be villified, I intend to preserve my individual independence, and while acknowledging the power and moral influence of a just and truthful press, should my present conduct incite further unjust attacks, as it probably shall, I simply say, "Lay on, Macduff, and damned be he who first cries hold, enough." Aye, like Ajax defying the lightning, I would rather court destruction than lead for a moment a life of such intolerable servility.

Mr. Walsh was recognized by the Speaker and proceeded as follows:

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY: It is with peculiar hesitancy that I arise to speak upon this question, hesitancy because of personal illness, and furthermore because I realize the feelings of this body on this question. But at the beginning, gentlemen, you must appreciate the fact that we are not here as individuals, but are assembled as a State organization, a State body, and therefore it is meet that you should disabuse your minds of any passion or prejudice that you may temporarily feel. Much has been said, and said passionately, and said with feeling, although doubtless with good motives, concerning the author of this libel, and a libel it undoubtedly was, when it questioned the motives of the members of this body in attending the funeral of our late departed member. At this moment let me say, coming as I do from the County of Alameda, and having been almost daily associated with him, that there is no member that held, and does now hold, the memory of John J. Burke in higher esteem than I. There is no member that more acutely feels the agony that must have been felt by his parents and his friends when they read the falsehoods that were ascribed to the members of this body in attending the funeral of John J. Burke. Waiving that for the moment, however, we are not here, as I said, as individuals, but as one of the great legislative bodies of this State, and it ill becomes us at this time to wreak personal vengeance upon the author of this falsehood; it ill becomes us to say that a certain newspaper shall be estopped from the privileges of this chamber. In the past public men have been falsely accused by the newspapers, and it is owing to that fact that the newspapers influence public sentiment as little as they do. No man having honesty of intention in his vote or in his motives can be injured by attacks upon his public action. I for one, and I hope I will not be the only one, will vote against the singling out of any one newspaper or individual and saying that they shall not be allowed the privileges of this Chamber. If we here, as public servants, so conduct ourselves that our conduct is satisfactory to ourselves, we have nothing to fear, because, gentlemen, today and in the past, it is not the candidate attacked by the newspapers who has been defeated, but rather the man whom the party organization recommends as just and honest that is elected, notwithstanding the attacks that are made upon him. And I say let us not exercise our passions, let us not wreak vengeance upon a single individual; at this moment I have been pained to hear the personal appearance of Mr. Livernash attacked in this session. His appearance, or what he has been in the past, makes little difference with us today, but my mind, gentlemen, goes back to a few years ago, when the car-men in San Francisco were struggling almost for their daily bread; when they were looking about for a leader who should voice their demands. It was then, gentlemen, that Edward J. Livernash came into public view. It was at that time that the men, harrassed by their employers, demanding with a voice of feebleness their rights, that they found in Edward J. Livernash a leader, and it was owing to his efforts mainly that this great body of workmen in San Francisco received something like their just merits. Let us give the devil his due, gentlemen. No man is entirely black by nature nor deserves utter condemnation. The newspaper fraternity labors under the most severe disadvantages. Their employers demand of them articles that the public will read. This man under discussion, in writing as he did, was simply endeavoring to fulfill the demands of his employer. Therefore if there is one man more than another who should be blamed in the matter it is the employer, and not the poor, ill-paid, proscribed newspaper correspondent. Gentlemen, I beg that you will not allow your passions to arise and say that this man shall not be present in this Assembly; say rather to yourselves, "We are big and broad-minded enough to withstand a slur of this nature, without foundation and without truth," and to the author say, "Remain and sin no more."

Mr. Johnson of Sacramento was recognized by the Speaker.

MR SPEAKER: The eloquent gentleman who has just taken his seat says we should deal with this not as individuals. I agree with him. We are not dealing with this as individuals. For nearly three weeks we have been in session, and the columns of the newspapers of San Francisco have been full of denunciation of the individual members of this Assembly, and so far not one member has arisen to a question of privilege to denounce the accusations as false, as they were in every case. He says that this is a State organization. It is. He says this is an organization. It is. He says that this is a State body. It is. This is the Assembly of the State of California, and this attack was made not upon us as individuals, but as an organization—as the Assembly of the

State of California. And we are repelling it now not as individuals; we are speaking here not as individuals. We are speaking as an organization. We are speaking the sentiments of the Assembly of the State of California, and we repudiate the slanderer, we denounce the libeler, we punish the criminal, we punish his employer, we protect our honor. We protect the honor of the State of California in protecting the honor of the Assembly of the State of California. (Applause and cheers.)

We have naught to fear as individuals. I may be pardoned here for a personal reference. For more than twenty years I have been the target for newspaper assaults; and I stand here today with never a defeat rendered against me in that period in the County of Sacramento, where I reside. (Applause.) We have no fear as individuals, and we fear naught. Every man is a judge of his own conscience and his own heart and his own actions, and every man can speak for himself as did our friend Coghlan. We are here, though, to defend the honor of this Assembly, and we propose to defend that honor because it has been assailed in the most wicked manner possible. The personality of Mr. Livernash is not an issue in this case. His past life, be it never so exemplary, is not an issue in this case; his future prospects, be they never so bright or so poor, are not an issue in this case. It is his present conduct only that is an issue in this case. And when the gentleman says to give the devil his due, we are giving him his due just as well as we can. (Great applause.) If we could do more, we would. (Laughter.)

He says that these hard-worked men who sit here and who take notes of us are not responsible for what they say or what they do. I am willing to admit it. (Great laughter.) And that is the reason why this resolution strikes at the right spot when it strikes the man that hires another to do the dirty work that the coward himself dare not do. (Applause.) He says that they demand articles that will please the public, and that the newspaper reporters, therefore, write with that fact before them. All right. If they accept the employment under such terms, let them accept the punishment also that comes to them for doing wrong. (Applause.)

The only question to be decided in this case, it seems to me, is threefold. First, have we the power to pass this resolution and to execute it? To that there can be but one answer. An unbroken line of precedents reaching from the Witenagemote of the Anglo-Saxon times down to the British House of Parliament and the Articles of Federation which governed the provinces before they made the United States, and an unbroken line of precedents in the House of Representatives and in the Senate, the unbroken line of precedents in this State, establish beyond peradventure that we have the power not merely to judge of our own members, but to judge who shall sit in the Assembly Chamber with us; and if we do not want the air of the Assembly Chamber polluted by the presence of libelers and blackmailers, we have the right to say so; it is our duty to say so, and put them out. (Applause.)

The next proposition is, is it expedient and is it right? These can be examined and discussed together. I lay it down as a proposition of morals, as well as a proposition of law, that it is always expedient to do what is right. (Applause.) Therefore, it is a case for us to decide. Is it right for us to take notice of this libel? Not because it assailed you, or you, or you, or me; not because it assails you or you; not because it assails any man, but because it assails all of us, because it assails the State of California, because it assails this component part of the Government of the State of California, because it assails the Assembly of the State of California, the body nearest the people; because it assails us all and imputes to us the wickedest and meanest motives that could actuate a body of men gathered together to do any work. Haven't we a right to repel that? Ought we to take into account anything except that which is right? Can we punish them in any other way? I say to you that there are but two ways of dealing with the matter when you are libeled by newspapers. One is to let it go as an individual, and the other is to kill the man. And no American jury yet ever convicted a man for killing a libelous newspaperman. (Great applause.)

Again, we as a State body, a State organization, a State Assembly, we as a part of the State of California, have a right to protect the honor of the State, and that is all we are doing now; that is all we are trying to do. But it is intimated in the gentleman's speech, and we heard it also outside—it is intimated that this will make Livernash a martyr. A martyr to what? Just picture to yourself, if he should be called into the presence of the martyrs of the world, who he would see and what would be his reception. As he entered the glorious hall dedicated in the laurels of fame to those men who are ranked as martyrs in the records of earth, he would meet a tall, gaunt glorious-looking faced figure that would sit down by him and would say: "I am Savonarola, burned at the stake in Italy because I was a martyr to my principle." He would meet another who would say: "I am Claudius, and I was thrown to the lions in the pit in Rome because I was a martyr to my religion." He would meet another, and that man would say: "I am John Wilkes, who went to prison time and time again for freedom of speech in England." He would meet another, glorious in the Continental uniform, who would say: "I am Nathan Hale, and I was a martyr to my country." And then they would say to him: "You come here as a martyr; you come here with your pilgrim's robe and your martyr expression! What have you done that has made you a martyr, that you should enter into our midst and be a martyr?" And he would say to them: "I maligned the dead; I vilified the living. And I did it for money." Thus far only would he get when the martyrs would arouse themselves as one man and in unison say to him: "Out upon thee, thou viper. Get thee to Hades, there to be forever tormented. You are no martyr. You are a villain." (Prolonged applause).

No man respects the free press more than I. No man will go further in defense of liberty of speech and freedom of the press than I. I carried the gun to protect freedom

of speech and liberty of the press. I defended—well, it was my fault—I defended one of these men in San Francisco against the charge of libel, and I defended others. I stand for liberty of speech and the freedom of the press to the highest and fullest extent. But liberty is one thing and license is another. Liberty of the press does not mean the right of these men to get behind the editorial "we" and denounce everybody that does not agree with them as wicked, as liars, as cattle, as thieves, as subservient to party bosses, as carrying a yoke, and as being led by the crack of the whip of the slave-master. No, no, no. And it is the most cowardly thing of all. There is no newspaper man—I care not whether he is here or not—there is no newspaper man walking the streets of this city, or of San Francisco, or of any other city of God's green earth, that dares to say to the face of any one of us what he says about us in his newspapers—not one. (Great applause and cheers.) It is one of the most cowardly things that can be done. Upon my head has fallen that snow that knows no melting until the coming of the summons of Azrael, King of Death, which takes all of us, but I know that, old as I am, not one of them dare say to me, face to face, what they have said in their newspapers. (Applause.) I have that faith in God that he would give me the strength of the early Christian martyrs to die the death as it were, but to take them with me if they assailed me personally. (Applause.) So I say to you, it is the most cowardly thing that can be done, the most cowardly thing that can be done, to attack people as they do. I am not speaking of these gentlemen here; I am not speaking of any one of them. Not at all.

And you speak of newspaper proprietors ordering this to be done! Why, there sits a gentleman, the correspondent of the San Francisco "Call," who treats people like a gentleman. And they interpolated in his report, in his letter to the San Francisco "Call," a most brutal, infamous lie in reference to myself, as he will tell you if you ask him. So you see it is a newspaper proprietor that does this thing. It is not the newspaper reporter. And the newspaper proprietor, therefore, should be punished as we are seeking to punish him here.

We ought not at times to be amazed at this. For Him who spake as never man spake before upon this earth, or since, said "that a good man out of the good treasure of his heart speaketh good things, but an evil man out of the evil treasure of his heart speaketh evil things." And these men are evil men with evil minds. No honorable man would have thought of what this man wrote. No honorable man would have published it. No gentleman would have written it. No gentleman would have published it. You do not want to associate with anybody unless he is a gentleman, do you? (Voices: "No, no.") That is why we ought to pass the resolution; that is why we ought to pass it, if we can, unanimously If we can not, let us get as many votes as we can for it, and let those that voted for it say to themselves, as did our forefathers when they pledged their lives, their fortunes, and their sacred honor in defense of the Declaration of Independence—let's say that we are doing this not as individuals, we are doing this to protect our honor, the honor of the Assembly, the honor of the State of California, and to put the seal of condemnation of this Assembly upon the blackmailer and the libeler, whether he be the hired assassin or the wicked wretch that hired the assassin. (Prolonged applause).

ADJOURNMENT.

At two o'clock and forty-five minutes P. M., the Assembly, on motion of Mr. Transue, was declared adjourned until ten o'clock A. M. of Friday, February 1, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 1, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Berry, Bishop, Campbell, Case, Chandler, Cogswell, Collister, Costar, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Hans, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lynch, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Stetson, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wyatt, and Mr. Speaker—37.

NO QUORUM PRESENT.

The Speaker announced "no quorum present."

ADJOURNMENT.

Whereupon Mr. Johnson of Sacramento moved an adjournment until nine o'clock and thirty minutes A. M. of Saturday, February 2, 1907.

Motion carried.

The Assembly was thereupon declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 2, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Berry, Devlin, Finney, Hewitt, Higgins, Johnson of Sacramento, McKeon, Pyle, Root, Thompson of Los Angeles, Whitmore, and Mr. Speaker—12.

The Speaker announced that the roll call disclosed "no quorum" present.

ADJOURNMENT.

Whereupon Mr. Johnson of Sacramento moved an adjournment.

Motion carried.

Thereupon the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Sunday, February 3, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Sunday, February 3, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Bell, Held, Hewitt, and Mr. Speaker—4.

The Speaker announced that the roll call disclosed "no quorum" present.

ADJOURNMENT.

Thereupon Mr. Hewitt moved that an adjournment be taken until nine o'clock and thirty minutes A. M. of Monday, February 4, 1907.

Motion carried.

Whereupon the Speaker declared the Assembly adjourned in accordance with the above motion.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 4, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called and the following members answered to their names:

Messrs. Barry, Bell, Berry, Birdsall, Campbell, Case, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, and Mr. Speaker—47.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, the following members were granted leave of absence for this day: Messrs. Eshleman, Devlin, Wyatt, Strobridge, Vogel, and Smyth.

PRESENTATION OF PETITIONS.

The following petition from the California State Health Association was received, and ordered printed in the Journal:

To the Honorable California State Legislature, Sacramento, California.

We, the members of the California State Health Association, would respectfully represent to your honorable body as follows:

That, within the Republic of Mexico, and near the line separating that Republic from the United States, at all times, there exists that dread disease, smallpox, and other contagious and infectious diseases. And by reason of the absence of quarantine stations and proper sanitary measures protecting us, and by reason of the unrestricted intermigration between the two countries, that portion of the United States that lies next to Mexico, has a zone of variable width within which smallpox and other contagious and infectious diseases are at all times prevalent, and are transmitted across the boundary line and carried by those infected to interior points, which become centers of infection for the spread of these diseases.

That upon our sea coast, at ports of entry, quarantine and other sanitary measures are established to protect our borders against the entry of disease from foreign countries. But there is no protection to our southwest border against the ever present scourge of smallpox and other contagious and infectious diseases in Mexico.

That it is the belief of this Association that full protection against smallpox, and other contagious and infectious diseases prevalent in Mexico can be secured only by the action of our National Congress coöperating with the Mexican Government, with a common purpose of stamping out such diseases along the international line, and to prevent their introduction from one country to the other.

The undersigned further believe, and so represent, that an international agreement establishing a zone along the boundary line of the two mentioned governments, or nations, in which compulsory vaccination and other sanitary precautions as the powers might establish, would secure the end desired.

Finally, that your honorable body is the proper medium through which to effect the

result desired, and to which end we pray, that you will bring the matter before Congress by memorial, or in such other manner as your honorable body may deem most likely to effect the end desired.

Signed: CHAS. F. CLARK, M.D.,
Woodland, Cal.,
C. C. VALES, M.D.,
San Diego, Cal.,
CHAS. A. BROWNING,
Los Angeles, Cal.,
Committee on Organization and Legislation appointed at a regular meeting of said Association held on April 16, 1906, at San Francisco, California.
Approved: WM. SIMPSON, M.D.,
President California State Health Association, San José, Cal.
N. K. FOSTER, M.D.,
Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education and text-books, and providing for free text-books.

Assembly Constitutional Amendment No. 7—Relative to county and township offices.

Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18 and by adding a new section, to be known as Section 55*a*.

Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding subdivision 19 thereto.

Assembly Bill No. 104—An Act entitled an Act to amend Section 685 of the Code of Civil Procedure of the State of California.

Also: Have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Assembly Bill No. 480—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Assembly Bill No. 477—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Assembly Bill No. 430—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Have examined and found the following bills correctly engrossed:

Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Assembly Bill No. 356—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Assembly Bill No. 374—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Assembly Bill No. 488—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the exoneration of the sureties on such bonds and the terms and filing and acceptance of new bonds in lieu thereof.

Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Assembly Bill No. 401—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.

Assembly Bill No. 402—An Act to add a new section to the Political Code of the State of California, to be known as Section 1641, relating to and defining who are census children.

Assembly Bill No. 123—An Act to amend Sections 3, 4, 9, 10, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds, upon the incorporation of municipalities or annexation to municipalities.

Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, and again amended March 12, 1903, relating to the officers of a township.

Also: Have examined and found the following Assembly Constitutional Amendment correctly engrossed:

Assembly Constitutional Amendment No. 3—Resolution to amend Section 2½ of Article II of the Constitution, relative to primary elections.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.
The constitutional amendments ordered on file for adoption.
Assembly Bills Nos. 430, 477, 480, and 384 ordered on file for passage.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 24—Entitled "An Act to amend the Penal Code of the State of California by adding thereto a new section to be known and designated as Section 602½, relating to the tearing down of fences and the opening of gates, bars and fences, and the hunting upon lands of another, and the killing, maiming or wounding of any animal, and the leaving of camp fires burning or unextinguished."

Also: Assembly Bill No. 190—Entitled "An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections."

Also: Assembly Bill No. 191—Entitled "An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties."

Also: Assembly Bill No. 193—Entitled "An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrators."

Also: Assembly Bill No. 195—Entitled "An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of decedents."

Also: Assembly Bill No. 275—Entitled "An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also: Assembly Bill No. 189—Entitled "An Act to amend Sections 1166 and 1167, of the Code of Civil Procedure, and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property."

Also: Assembly Bill No. 192—Entitled "An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted."

Also: Assembly Bill No. 194—Entitled "An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators."

Also: Assembly Bill No 198—Entitled "An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents."

Also: Assembly Bill No. 199—Entitled "An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons."

Also: Assembly Bill No. 200—Entitled "An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads and of other property exempt from execution, belonging to estates of decedents."

Also: Assembly Bill No. 276—Entitled "An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WYATT, Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly concurrent resolution has been correctly enrolled:

Assembly Concurrent Resolution No. 5—Approving the charter of the City of Santa Monica, in Los Angeles County, California, which was voted for by the qualified electors of said city, at a special election held therein for the purpose of ratifying said charter, on the 28th day of March, 1906—and was presented to the Governor January 31, 1907, at two o'clock and twenty minutes P. M.

HANS, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 404—An Act to amend Title I of Part IV of the Civil Code of the State of California, by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens—report the same back, with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 527—An Act entitled "An Act to amend Section 671 of the Civil Code"—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 349—An Act to amend Sections 4332 and 4333 of the Political Code of the State of California, relating to fees of public officers—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 355—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof, and by adding a new section immediately after Section 1918, to be numbered Section 1918*a*, relating to rate of interest that may be agreed upon in written instruments—and recommend its passage.

Also: Assembly Bill No. 383—An Act to amend the Civil Code, by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons—and recommend its passage.

Also: Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains—with two amendments, and recommend its passage as amended.

Also: Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation—and recommend its passage.

Also: Assembly Bill No. 392—An Act to limit the authority of judges of the Superior Court in certain cases—report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605—and report the same back, with two amendments, and recommend its passage as amended.

Also: Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates—and report same back, with two amendments, and recommend its passage as amended.

Also: Assembly Bill No. 101—An Act to amend Sections 3346 and 3346*a* of the Civil Code, and to add thereto a new section, to be denominated Section 3346*b*, all relating to the measure of damages for injuries to timber and timber lands—report the same back, with two amendments, and recommend its passage as amended.

Also: Assembly Bill No. 105—An Act to add a new section to the Penal Code, to be numbered Section 600*a*, relating to malicious burning of forests—and recommend its passage.

Also: Assembly Bill No. 244—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers—with three amendments, and recommend its passage as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Also: Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Also: Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Also: Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490*a*, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Also: Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Also: Senate Bill No 101—An Act to amend Section 2981 of the Political Code of the State of California relating to the meetings of the State Board of Health.

Also: Senate Bill No. 142—An Act to amend Section 2979*a* of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Also: Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.

Also: Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Also: Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

Also: Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Also: Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said court and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer and providing for their appointment.

Also: Committee Substitute for Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887, by including within the provisions of said Act the badge or button of the United Spanish War Veterans of this State.

Also: Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.

Also: Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI of Title IV of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State militia.

Also: Senate Bill No. 252—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.

Also: Committee Substitute for Senate Bill No. 88—An Act to amend the Penal Code, by adding two new sections thereto to be numbered 270*a*, and 270*b*, relating to the neglect and abandonment of wives by husbands, and providing the punishment therefor.

Also: Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the town of Yuba City," approved March 13, 1878.

Also: Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3rd day of June, 1906, shall be held invalid by reason of being entered into on any of such holidays nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Also: Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced.

Also: Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two-thirds of the electors of such municipality.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day appointed the following Senators to serve on the joint committee provided for in Senate Concurrent Resolution No. 8: Hon. F. W. Leavitt, Hon. C. B. Greenwell, and Hon. G. W. Cartwright.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 52 read first time, and referred to Committee on Election Laws.

Senate Bill No. 128 read first time, and referred to Committee on Judiciary.

Senate Bill No. 129 read first time, and referred to Committee on Judiciary.

Senate Bill No. 130 read first time, and referred to Committee on Judiciary.

Senate Bill No. 332 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 101 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 142 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 177 read first time, and referred to Committee on Judiciary.

Senate Bill No. 199 read first time, and referred to Committee on Judiciary.

Senate Bill No. 200 read first time, and referred to Committee on Judiciary.

Senate Bill No. 69 read first time, and referred to Committee on Judiciary.

Senate Bill No. 51 read first time, and referred to Committee on Election Laws.

Senate Bill No. 12 read first time, and referred to Committee on Municipal Corporations.

Committee Substitute for Senate Bill No. 42 read first time, and referred to Committee on Military Affairs.

Senate Bill No. 85 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 288 read first time, and referred to Committee on Military Affairs.

Senate Bill No. 252 read first time, and referred to Committee on Military Affairs.

Committee Substitute for Senate Bill No. 88 read first time, and referred to Committee on Judiciary.

Senate Bill No. 111 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 116 read first time, and referred to Committee on Judiciary.

Senate Bill No. 7 read first time, and referred to Committee on Fruit and Vine Interests.

Senate Bill No. 56 read first time, and referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Cornish: Assembly Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 20, 1905, by amending Subdivision 6 thereof, relating to the counties of the fifty-first class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Johnson of Sacramento: Assembly Bill No. 584—An Act to confer further powers upon the Board of Railroad Commissioners.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 585—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections of buildings," approved March 23, 1876, and Acts amendatory thereof, by amending Section 3 of said Act.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sackett: Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to the duties of school trustees and city boards of education, regarding fraternities in public schools.

Bill read first time, and referred to Committee on Education.

By Mr. Otis: Assembly Bill No. 588—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Mr. Wyatt: Assembly Bill No. 589—An Act to add a new article to Chapter III of Part III of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 590—An Act to add a new section to the Political Code, to be known as Section 560, relating to the amount of capital stock necessary to be paid up before a corporation may be permitted to act as executor, administrator, guardian, assignee, receiver, depositary, or trustee.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Hewitt: Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and con-

struct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

Bill read first time, and referred to Committee on Levee and River Improvement.

By Mr. Forbes: Assembly Bill No. 592—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Finney: Assembly Bill No. 593—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Hammon: Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court, and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor, and providing for an appropriation of money therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Kohlman: Assembly Bill No. 595—An Act to amend Section 198 of the Code of Civil Procedure of the State of California, relative to competency of jurors.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 596—An Act to amend Section 199 of the Code of Civil Procedure of the State of California, relative to competency of jurors.

Bill read first time, and referred to Committee on Judiciary.

By Mr. O'Brien: Assembly Bill No. 597—An Act to create a reclamation district to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands.

By Mr. Davis: Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 599—An Act to amend Section 1197 of the Political Code so as to require the separate marking of each candidate voted for at elections.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Whitmore: Assembly Bill No. 600—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts and the apportionment of moneys thereto.

Bill read first time, and referred to Committee on Education.

MOTION.

Mr. Transue moved that each of the votes of approval by which the Journals of Monday, January 21, Wednesday, January 23, Thursday, January 24, Friday, January 25, and Saturday, January 26, 1907, are hereby rescinded.

Motion carried.

APPROVAL OF JOURNALS.

Mr. Transue moved that the above designated Journals, as corrected by the Minute Clerk, be approved and the State Printer authorized to reprint the Journals of the aforementioned dates and to destroy those formerly printed for said dates.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Mr. Campbell:

Resolved, That the Sergeant-at-Arms of the Assembly be and he is hereby instructed to provide for better ventilation of the Assembly Hall by the installation in the proper places in the Assembly room of electric fans.

Resolution read, and referred to Committee on Ventilation and Acoustics.

WITHDRAWAL OF BILL.

Mr. Sackett asked for and was granted unanimous consent to withdraw Assembly Bill No. 510—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1893, relating to persons or societies using the name of schools, high schools, colleges, or universities without consent of trustees, and making penalty for same.

Bill withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILLS.

On motion of Mr. Johnson of Sacramento, the following Assembly bills were referred, in compliance with committee recommendations, to the Committee on Ways and Means, viz:

Assembly Bill No. 228—An Act making an appropriation of $32,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing additional land for the use of said school.

Assembly Bill No. 302—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, to be expended by and under the direction of said board, for the purpose of purchasing and operating necessary dredgers and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Assembly Bill No. 320—An Act making an appropriation of $7,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building, and furnishing and equipping the same, at said school.

Assembly Bill No. 321—An Act making an appropriation of $3,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Assembly Bill No. 322—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

SPECIAL FILE.

Assembly Constitutional Amendment No. 7—Relative to county and township offices.

Assembly constitutional amendment passed on file.

Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

Assembly constitutional amendment passed on file.

Assembly Constitutional Amendment No. 5—Amending the Constitution, providing for free public school books.

Assembly constitutional amendment passed on file.

FLOOR PRIVILEGE EXTENDED.

On motion of Mr. Drew, the privilege of the floor was extended to Mr. Glow.

CONSIDERATION OF BILLS ON SPECIAL FILE.

Assembly Bill No. 254—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 267—An Act making an appropriation of two hundred and fifty thousand ($250,000) dollars to aid in the construction of a library building to be erected by the regents of the University of California in Alameda County, on the grounds of the University of California; also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 268—An Act appropriating six thousand ($6,000) dollars for the support of the department of music in the University of California for two years.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 321—An Act making an appropriation of $3,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 320—An Act making an appropriation of $7,500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building, and furnishing and equipping the same at said school.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 228—An Act making an appropriation of $32,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing additional land for the use of said school.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 322—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 302—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, to be expended by and under the direction of said board, for the purpose of purchasing and operating necessary dredgers and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 157—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read second time, and ordered to engrossment.

THIRD READING OF BILLS.

Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill passed on file.

Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 113 passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Collister, Cornish, Costar, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—46.

NOES—Mr. Case—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding Subdivision 19 thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 3 passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Davis, Drew, Estudillo, Finney, Forbes, Fratessa,

Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Bill read third time, and passed on file for further consideration.

Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197*a*, relating to claims against counties for the expense of keeping insane prisoners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 270 passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Collister, Cornish, Costar, Drew, Estudillo, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill passed on file.

Assembly Bill No. 413—An Act to reduce the number of judges in the Superior Court of the County of Shasta from two to one.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 413 passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Drew, Estudillo, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 348 passed by the following vote:

AYES—Messrs. Barry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 374—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 374 passed by the following vote:

AYES—Messrs. Barry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Collister, Cornish, Costar, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 488—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

During the third reading of the bill, Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out in line 6 of title of bill after the word "the" the following: "terms and"

Also: Amend by inserting on line 3 of title of bill after the word "the" and before the word "condition" the following: "terms and."

Motion carried.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 488, with instructions, do now report that the instructions of the Assembly have been carried out.

TRANSUE, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 364 passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Boyle, Campbell, Case, Cogswell, Collister, Cornish, Costar, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—46.

NOES—Mr. Bishop—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Bill read third time, and passed on file.

Assembly Bill No. 401—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.

Bill passed on file.

Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

Bill passed on file.

Assembly Bill No. 403—An Act in relation to the attendance of pupils in the high schools of the State of California.

Bill read third time, and passed on file.

Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill passed on file.

Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

Bill passed on file.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relating to State school tax.

Bill passed on file.

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

During the third reading of the bill, Mr. Campbell moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out of Section 9, line 3 of the printed bill, the words "State Registrar," and inserting in lieu thereof the following: "boards of supervisors of the county."

Motion carried.

The Speaker appointed Mr. Campbell as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 123 with instructions, do now report that the instructions of the Assembly have been carried out.

CAMPBELL, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 124—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 124 passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, McMullin, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372*a*, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferry boats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 125 passed by the following vote:

AYES—Messrs. Barry, Beban, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, McClellan, McConnell, McGuire, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—Messrs. Berry, Birdsall, Butler, McKeon, and Percival—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 126 passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Drew, Estudillo, Finney, Forbes, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—Messrs. Boyle, Kelly, Percival, and Thompson of San Francisco—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities in relation to the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 119 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Drew, Finney, Forbes, Fratessa, Hammon, Hans, Held, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Root, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120—An Act to amend Section 2979*a* of the Political Code of the State of California, relating to the preservation of the public health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 120 passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, and Mr. Speaker—52.

NOES—Mr. McKeon—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds upon the incorporation of municipalities or annexations to municipalities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 408 passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 412 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Boyle, Case, Chandler, Cogswell, Collister, Cornish, Costar Cullen, Cutten, Davis, Forbes, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—Messrs. Campbell, Fratessa, and Kohlman—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 103 passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Finney, Forbes, Fratessa, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

NOES—Mr. Bishop—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Bill passed on file.

Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 493 passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Butler, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Estudillo, Forbes, Fratessa, Hammon, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the Text-Book Committee.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of effecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Bill referred to Committee on Judiciary.

Assembly Bill No. 60—An Act creating and defining the liability of railroad corporations for injuries to employés, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "every" in line 1 of Section 1 of the printed bill, the words "firm, person, or."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "such," in line 4 of Section 1 of the printed bill, the words "firm, person, or".

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "such," in line 6 of Section 1 of the printed bill, the words "firm, person, or."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "such," in line 8 of Section 1 of the printed bill, the words "firm, person, or."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting after the word "such," in line 18 of Section 1 of the printed bill, the words "firm, person, or."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting after the word "such," in line 21 of Section 1 of the printed bill, the words "firm, person, or."

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting after the word "such," in line 23 of Section 1 of the printed bill, the words "firm, person, or."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 315—An Act amending Section 1503 of the Political Code of the State of California, relating to normal school diplomas.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the word "class," on line 15, first page, printed bill, the following: "and first two years."

Amendment adopted.

Also: Amend by striking out the words "in the State and also in grades of the primary school when the same are composed of pupils under the age of eight years," on lines 15, 16, and 17, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 558—An Act entitled "An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties, or cities and counties, of the State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States army or navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other State, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.

Bill read second time and ordered to engrossment.

Assembly Bill No. 373—An Act to enable executors to sell real property or interest in real property belonging to estates now in probate, without filing a petition as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accounting filed in the Superior Courts were in whole or in part destroyed by the fire of on or about April 18, 1906, which burned a portion of the City of San Francisco.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all of lines 7, 8, 9, 10, and 11 of Section 1 of the printed bill, and insert in lieu thereof the following: "One deputy clerk at twenty-four hundred dollars ($2,400) per annum; one secretary, who shall be a phonographic reporter, at twenty-four hundred dollars ($2,400) per annum; one deputy clerk at eighteen hundred dollars ($1,800) per annum, and one bailiff, who shall perform the duties of court librarian, at eighteen hundred dollars ($1,800) per annum."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to Superior Courts.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "twenty-five," in line 11 of Section 1 of printed bill, and insert in lieu thereof the word "fifteen."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 15—An Act to add a new section to the Penal Code of California, to be known as Section 337*b*, authorizing the recovery by suit of money put up, staked, or lost at gaming.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "penal" in the title of the bill, and insert in lieu thereof the word "civil."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figures and letter "337*b*" in the title of the bill, and insert in lieu thereof the figures "1669."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "penal," in line 1 of Section 1 of the printed bill, and insert in lieu thereof the word "civil."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the figures and letter "337*b*," in line 2 of Section 1 of the printed bill, and insert in lieu thereof the figures "1669."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting the figures and word "1669. If," at the beginning of line 3, of Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the word "who," in line 3 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting after the word "thereof," in line 10 of Section 1 of the printed bill, the words "his wife or dependent children, or his dependent parent or parents, or his heirs, in case of his death."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the word "three," in line 10 of Section 1 of the printed bill, and insert in lieu thereof the word "six."

Amendment adopted.

AMENDMENT No. 9.

Amend by inserting after the word "after," in line 10 of Section 1 of the printed bill, the word "such."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the words "six months," in line 15 of Section 1 of the printed bill, and insert in lieu thereof the words "one year."

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out all from and including the semicolon, in line 18 of Section 1 of the printed bill, to and including the word "winner," in line 26 of Section 1 of the printed bill, and insert in lieu thereof a period.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 216—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers, the officers of courts, or by law, and defining newspapers of general circulation.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 454—An Act to amend Section 348 of the Code of Civil Procedure of California, relating to the time within which actions must be commenced.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 99—An Act to repeal Section 1036 of the Code of Civil Procedure, relating to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California, and by foreign corporations.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of the title after the words "An Act," and insert in lieu thereof as follows: "to amend section ten hundred and thirty-six of the Code of Civil Procedure relating to the right of a defendant to require security for costs when plaintiff is a non-resident or foreign corporation."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all after the enacting clause, and insert in lieu thereof as follows:

"Section 1. Section 1036 of the Code of Civil Procedure is hereby amended to read as follows:

1036. When the contestant in an action to contest a will or the petitioner in an action to revoke the probate of a will resides out of the State or is a foreign corporation, security for the costs and charges, which may be awarded against such contestant, may be required by the proponent of the will or by any person interested therein. When security is so required, all proceedings in the contest or in the action to revoke the probate must be stayed until an undertaking, executed by two or more persons, is filed with the clerk, to the effect that they will pay such costs and charges as may be awarded against the contestant or the petitioner to revoke probate, as the case may be, by judgment or in the progress of the contest or action, not exceeding the sum of $300. A new or an additional undertaking may be ordered by the court or judge upon proof that the original undertaking is insufficient security, and proceedings in the contest or action to revoke probate stayed until such new or additional undertaking is executed and filed.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 391—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State laboratory of plant pathology and the appointment of a State plant pathologist for this purpose, and making appropriation therefor.

Bill re-referred to Committee on Ways and Means.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 441—An Act to amend the title and Section 2 of an Act entitled an Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities, approved March 20, 1903.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 497—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 498—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979*a*, relating to duties of the State Board of Health.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 507—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 298, relating to cremation of the dead bodies of human beings.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title by striking out all of the same after the word "approved," and inserting in lieu thereof the following: "April 1, 1897, by amending Section 203 thereof, relating to the compensation of county and township officers in counties of the forty-sixth class."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of lines 3, 4, and 5, in Section 1, the words "March 1, 1897, and amended April 23, 1901," and inserting in lieu thereof the following: "approved April 1, 1897."

Amendment adopted.

AMENDMENT No. 3.

Strike out of line 6, page 1 of printed bill, the word "forty-six," and inserting in lieu thereof the word "forty-sixth."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "county," on line 1, page 6 of printed bill, the following: "and township."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting on line 43, page 2 of printed bill, after the word "shall," the word "each."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting on line 47, page 2 of printed bill, after the word "shall," the word "each."

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting on line 50, page 2 of printed bill, after the word "shall," the word "each."

Amendment adopted.

AMENDMENT No. 8.

Strike out the words "Subdivision 14 of this section shall take effect immediately," appearing on page 3 of printed bill, after the line 79 thereof, and insert in lieu thereof the following:

"Section 2. This act shall take effect and will be in force from and after its passage."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out from lines 3 and 4, page 1 of printed bill, the words "by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class," and insert in lieu thereof the following: "is hereby amended to read as follows:"

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "the," on line 14, page 1 of printed bill, and insert in lieu thereof the word "a."

Amendment adopted.

AMENDMENT No. 3.

Strike out lines 18 and 19, on page 1 of printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting in line 47, page 1 of printed bill, after the word "the" where it first occurs, the word "same."

Amendment adopted.

AMENDMENT No. 5.

Add after line 56, on page 2 of printed bill, the following:

"Section 2. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessments of property for taxation.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered 7½.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

During second reading of bill, the following amendments were submitted by the committee:

Amend by inserting after the third line of the title, printed bill, the following: "SECTION 1. Section 1663 of the Political Code is hereby amended to read as follows:"

Amendment adopted.

Also:

Amend by striking out the words "be construed as prohibiting," on line 14, first page, printed bill, and inserting in lieu thereof the following: After the word "shall" the word "prohibit."

Amendment adopted.

Also:

Amend by striking out the word "heretofore," on line 16, first page, printed bill.

Amendment adopted.

Bill ordered on second-reading file for further consideration.

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill passed on file.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

Bill passed on file.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Bill passed on file.

Assembly Bill No. 179—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

During second reading of bill, the following amendments were submitted by the committee:

Amend by inserting after the word "exist," on line 10, Section 1, first page, printed bill, the following: "and are proved at the hearing."

Amendment adopted.

Also:

Amend Section 3, line 7, printed bill, by inserting after the word "them," the following words: "whether the person so requesting is a resident or non-resident of the State."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 184—An Act to repeal Title VIII, of Part III, of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "and if there is none such," on lines 6 and 7, Section 2, second page, printed bill, and inserting in lieu thereof the following: "or, if there be no newspaper published therein."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 188—An Act to repeal Chapter III, of Title IV, of Part III, of the Code of Civil Procedure and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Bill read second time, and ordered to engrossment.

Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.

Bill read second time, and ordered to third reading.

Assembly Bill No. 18—An Act to amend Section 686 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action.

Bill passed on file.

ANNOUNCEMENT.

The Speaker announced that he had appointed Mr. Transue chairman of the Los Angeles County Delegation.

ADJOURNMENT.

At two o'clock and fifteen minutes P. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Tuesday, February 5, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 5, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Beckett, Bell, Berry, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hans, Held, Hewitt, Higgins, John, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—55.

Quorum present.

PRAYER

Prayer was offered by the Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

READING AND APPROVAL OF JOURNALS.

The Journals of Monday, January 28, 1907; Tuesday, January 29, 1907; Wednesday, January 30, 1907, and Thursday, January 31, 1907, were read and approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section to be known and designated as Section 995, relating to the sale and transfer of hops, and the amount to be deducted as tare.

Assembly Bill No. 127—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Assembly Bill No. 96—An Act to amend an Act entitled "An Act to establish a Political Code, approved March 12, 1872," by amending Section 737 thereof, relating to the salaries of judges of the Superior Court.

Assembly Bill No. 317—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1829, relating to district school taxes.

Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business and the sanitary conditions of barber shops in the State of California.

Assembly Bill No. 216—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers, the officers of courts, or by law, and defining newspapers of general circulation.

Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor General.

Assembly Bill No. 157—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Assembly Bill No. 373—An Act to enable executors to sell real property or interests in real property belonging to estates now in probate, without filing a petition as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accounting filed in the Superior Courts were in whole or in part destroyed by the fire of, on or about, April 18, 1906, which burned a portion of the City of San Francisco.

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other State, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.

Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

Assembly Bill No. 454—An Act to amend Section 348 of the Code of Civil Procedure of California, relating to the time within which actions must be commenced.

Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Assembly Bill No. 543—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure relating to the probate of foreign wills.

Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Assembly Bill No. 184—An Act to repeal Title VIII of Part III of the Code of Civil Procedure and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Assembly Bill No. 188—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Assembly Bill No. 179—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered Section 7½.

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessment of property for taxation.

Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.

Assembly Bill No. 507—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Assembly Bill No. 498—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979*a*, relating to duties of the State Board of Health.

Assembly Bill No 497—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.

Assembly Bill No. 441—An Act to amend the title and Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bath-tubs and toilets and laying a cement flooring, and repairing the walls in the bath-rooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Ways and Means.

Also: Assembly Bill No. 63—An Act to provide for the erection of horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HELD, Chairman.

The above reported bills, all carrying appropriations, referred to the Committee on Ways and Means.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 13—Approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22nd day of January, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Also: Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 205—An Act to amend an Act authorizing the common council, board of trustees, or other governing board of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, to provide for the payment of the same, approved March 9, 1897, by amending Section 1 thereof, relating to the refunding of indebtedness of incorporated cities or towns and the issue of bonds of such city or town therefor and the denomination of the bonds—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants and other municipal securities which have become defaced or mutilated.

Also: Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge. Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 504—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 1 thereof, and by adding a new section, to be known as Section 18*a*—have had the same under consideration, and respectfully recommend that the same be referred to the Committee on Insurance and Insurance Laws.

Also: Assembly Concurrent Resolution No. 12—Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at

the general municipal election held therein on the fourth day of December, 1906—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

JURY, Chairman.

The above reported bills, with the exception of Assembly Bill No. 504, ordered on file for second reading.

Assembly Bill No. 504 referred to Committee on Insurance and Insurance Laws.

Assembly Concurrent Resolutions Nos. 13 and 12, ordered on file for adoption.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 129—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof—have had the same under consideration, and respectfully report the same back, with ten amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 440—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, with six amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 75—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

CAMPBELL, Chairman.

The above reported bills ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1907.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease—report the same back, with two amendments, and recommend its passage as amended.

Also: Assembly Bill No. 59—An Act to amend Article 1, Section 827, of the Civil Code, relative to change of terms of leases of lands or tenements from month to month—and report the same back, and recommend that the author have leave to withdraw same, because the subject-matter is covered by Assembly Bill No. 223.

Also: Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof—and recommend its passage.

Also: Assembly Bill No. 459—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution—and recommend its passage.

Also: Assembly Bill No 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County—and recommend its passage.

Also: Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act—and recommend its passage.

Also: Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 563—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk,' approved March 16, 1889, and authorizing the Treasurer of State to appoint one clerk, at an annual salary of $1,600," approved March 26, 1895—and recommend its passage.

Also: Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury, and judgment of the court in forcible entry or forcible or unlawful detainer cases—and recommend its passage.

Also: Assembly Bill No. 358—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895—with two amendments, and recommend its passage as amended.

Also: Assembly Bill No. 393—An Act to amend Section 486 of the Civil Code—and recommend its passage.

Also: Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556*a*, 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State—and recommend its passage.

Also: Assembly Bill No. 241—An Act to amend an Act entitled "An act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9—with four amendments, and recommend its passage as amended.

Also: Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity—and recommend its passage as before reported.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1907.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DREW, Chairman.

Senate Bill No. 85 ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 91—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Assembly Bill No. 91 ordered on file for second reading.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Also: Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Senate Bill No 455—An Act to prohibit adulteration and deception in the sale of dairy products; defining adulteration in dairy products; to establish the standards of quality in dairy products and to provide for enforcing its provision.

Also: Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.

Also: Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway.

Also: Senate Bill No. 84—An Act authorizing the Governor to set apart one day each year to be designated "Bird and Arbor Day," and to request its observance.

Also: Senate Bill No. 110—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a justice of a District Court of Appeal.

Also: Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors.

Also: Adopted Senate Joint Resolution No. 2—Relating to remission of duties.

Also: Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Also: Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597*a*, Section 597*b*, Section 597*c*, and Section 597*d*, relating to docking of horses' tails, and providing a punishment therefor.

Also: Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Also: Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Also: Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Also: Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California, and providing for the violation thereof.

Also: Senate Bill No. 63—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California.

Also: Senate Bill No. 95—An Act to appropriate the sum of fifty thousand ($50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and providing for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 378—An Act making an appropriation to pay the deficiency in the contingent appropriation for the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Also: Senate Bill No. 379—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Also: Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from $65,000 per annum to $75,000 per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled an 'Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita,' approved March 12, 1901, by providing for a fixed annual appropriation of $65,000 in the place and stead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Also: Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

Also: Senate Bill No. 73—An Act making an appropriation to pay the claim of Charles J. Morf against the State of California.

Also: Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and providing the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Also: Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Also: Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 229—An Act to provide for the location, survey, and construction of the State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Also: Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Also: Senate Bill No. 364—An Act appropriating $13,500 to complete the buildings, equipment, and furnishings of the State Normal School at San Francisco.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

Senate Bill No. 32 read first time, and referred to Committee on Judiciary.

Senate Bill No. 236 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 90 read first time, and referred to Committee on Judiciary.

Senate Bill No. 455 read first time, and referred to Committee on Dairies and Dairy Products.

Senate Bill No. 169 read first time, and referred to Committee on Election Laws.

Senate Bill No. 427 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 84 read first time, and referred to Committee on Judiciary.

Senate Bill No. 110 read first time, and referred to Committee on Judiciary.

Senate Bill No. 289 read first time, and referred to Committee on Judiciary.

Senate Bill No. 44 read first time, and referred to Committee on Judiciary.

Senate Joint Resolution No. 2 referred to Committee on Federal Relations.

Senate Bill No. 118 read first time, and referred to Committee on Judiciary.

Senate Bill No. 119 read first time, and referred to Committee on Judiciary.

Senate Bill No. 447 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 193 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 194 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 431 read first time, and referred to Committee on Health and Quarantine.

Senate Bill No. 63 read first time, and referred to Committee on Universities.

Senate Bill No. 95 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 378 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 379 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 35 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 58 read first time, and referred to Committee on Federal Relations.

Senate Bill No. 73 read first time, and referred to Committee on Claims.

Senate Bill No. 141 read first time, and, by request, substituted on file for Assembly Bill No. 233, without reference.

Senate Bill No. 153 read first time, and referred to Committee on Claims.

Senate Bill No. 223 read first time, and referred to Committee on Claims.

Senate Bill No. 224 read first time, and referred to Committee on Claims.

Senate Bill No. 225 read first time, and referred to Committee on Claims.

Senate Bill No. 226 read first time, and referred to Committee on Claims.

Senate Bill No. 229 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 363 read first time, and referred to Committee on Education.

Senate Bill No. 364 read first time, and referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Estudillo: Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Smyth: Assembly Bill No. 603—An Act to definitely establish and permanently locate the western boundary line of the County of Glenn.

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Wyatt: Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 606—An Act to repeal Article XIII of Chapter III of the Political Code, relating to State Geologist.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 607—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461 thereof, both relating to the General Fund.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 608—An Act to add a new section to the Political Code to be known as Section 453*a*, thereof, relating to donations to the State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Finney: Assembly Bill No. 614—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Collister: Assembly Bill No. 615—An Act to amend Section 12 of an Act entitled "An Act to amend Section 163 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and amended March 23, 1901," approved March 20, 1905.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Eshleman: Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal improvements, and regulating the acquisition, construction or completion thereof."

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Fisher: Assembly Bill No. 617—An Act to amend Section 827 of the Civil Code of the State of California, relating to the change of the terms of leases from month to month.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wyatt: Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others, upon real property.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bell: Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section to be numbered 8*a*.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Barry: Assembly Bill No. 620—An Act to add a new section to the Penal Code of California to be numbered 317*a*, relating to advertising to procure abortions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 621—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising for medical purposes.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beckett: Assembly Bill No. 622—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Birdsall: Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the John Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 624—An Act making an appropriation of $500 for the purpose of repairing and preserving the John Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Bishop: Assembly Bill No. 625—An Act to amend Section 396 of the Code of Civil Procedure, relating to place of trial in civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cogswell: Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Bill read first time, and referred to Commiteee on Ways and Means.

By Mr. Lynch (by request): Assembly Bill No. 627—An Act instructing the Commissioner of Public Works to purchase the north fifty-eight acres of Wood Island, situated in the County of Sacramento, State of California, and making an appropriation to pay for the same.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Leeds: Assembly Bill No. 628—An Act amending an Act to establish a school for discipline, etc., of juvenile delinquents, to be known as Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Thompson of Los Angeles: Assembly Bill No. 629—An Act to amend Section 1578 of the Code of Civil Procedure, relating to mortgages in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 631—An Act to provide for the compensation of judges pro tempore of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 632—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Bill read first time, and referred to Committee on Commissions and Public Expenditures.

Also: Assembly Bill No. 633—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employés thereof, defining its powers, and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Bill read first time, and referred to Committee on Commissions and Public Expenditures.

Also: Assembly Bill No. 634—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections

and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Bill read first time, and referred to Committee on Commissions and Public Expenditures.

By Mr. Fratessa: Assembly Bill No. 635—An Act to regulate the keeping of large trees and to forbid the growing and planting thereof in such places and in such manner as may endanger or damage adjoining property.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of California, relating to mileage of members of the Legislature.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 637—An Act to amend Section 246 of the Political Code of California, relating to officers of the Assembly.

Bill read first time, and referred to Committee on Judiciary.

By Mr. O'Brien: Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit: Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 639—An Act making an appropriation to provide for shelving and floor covering for the State Library in the Capitol Building, including labor and expenses contingent thereto.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered 2295*a*, and relating to supplying the State Library with State publications for exchange purposes.

Bill read first time, and referred to Committee on State Library.

Also: Assembly Bill No. 641—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund.

Bill read first time, and referred to Committee on State Library.

By Committee on State Prisons and Reformatory Institutions (Substitute for Assembly Bill No. 49): Assembly Bill No. 642—An Act to provide for the government and management of schools for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School,' approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled 'An Act to establish a School of Industry, to provide for the maintenance and management of the same, and to make an appropriation therefor,' approved March 11, 1889, with the amendments thereto."

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Speaker Beardslee: Assembly Bill No. 643—An Act to amend an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section, numbered

5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Weske: Assembly Bill No. 644—An Act making an appropriation of four thousand dollars to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the Old Mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection and improvement of said properties," approved February 21, 1905.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Leeds: Assembly Joint Resolution No. 5—Relative to establishment of military post at or near San Pedro, Cal.

Joint Resolution referred to Committee on Federal Relations.

By Mr. McConnell: Assembly Joint Resolution No. 6—Relative to jute and jute bags.

Joint Resolution referred to Committee on Federal Relations.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Smyth:

Resolved: That the name of J. R. Joseph be substituted for that of Everitt Bowes, on the roll of attachés of the Assembly, at a per diem of $4, and that the name of Everitt Bowes be dropped from the roll of attachés.

Resolution read, and, on motion, adopted.

By Mr. Transue:

Resolved, That the State Controller be and he is hereby directed to draw his warrants in favor of the following named persons in the sums written opposite their names, and the Treasurer is directed to pay the same out of the Contingent Fund of the Assembly, said sums being for services rendered:

Ed. J. Smith, three days	$18 00
H. M. Harford, one day	6 00
T. G. Walker, one day	6 00
C. S. MacMullan, one day	6 00
John D. Bailey, two days	10 00
W. H. Wickersham, one day	5 00
Ella Washburn, one day	5 00
J. Dennigan, three days	9 00
Mark Senna, one day	3 00
A. L. Bragg two days	6 00
Ed. Fitzgerald, one day	2 50
Frank F. Branch, one day	2 50
Leslie J. Williams, two days	5 00
Raymond Hart, two days	5 00
Frank Shields, two days	5 00
Arthur Thompson, two days	5 00

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Boyle, Case, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Estudillo, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lucas, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—48.

NOES—None.

By Mr. Spaulding:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two hundred and eighty dollars ($280.00), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for payment of the following bills attached, rent of committee rooms:

SACRAMENTO, January 24, 1907.

J. T. Stafford, Sergeant-at-Arms Assembly, California Legislature.

To rent of Room No. 17, Elks' Building, for Committee on Constitutional Amendments and Committee on Election Laws—January 14 to February 14, 1907	$30 00
To rent of chairs and table	5 00
Total	$35 00

SACRAMENTO, CAL., January 14, 1907.

The Assembly, State of California,

To PYTHIAN CASTLE ASSOCIATION, Dr.

To rent for month from January 14 to February 14, 1907 $125 00

SACRAMENTO, January 23, 1907.

The Assembly, State of California,

To MAX HYMAN, Dr.

Rent of committee room from January 14, 1907, to February 14, 1907 $20 00

State Assembly of California,

To UNION CLUB, Dr.

To use of large assembly room, and small rooms for one month, from January 14 to February 14 $100 00

Resolution read, and referred to Committee on Contingent Expenses.

MOTION.

Mr. Transue moved that the Assembly return, in its order of business, to the introduction of bills.

Motion lost.

RE-REFERENCE OF BILLS.

On motion of Mr. Hammon, Assembly Bill No. 569 was recalled from the Committee on Judiciary and re-referred to Committee on Municipal Corporations.

THIRD READING OF BILLS.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 7.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, A. D. 1907, two thirds of all the members elected to each of the houses voting in favor thereof, hereby propose that Section 5 of Article II of the Constitution of the State of California be amended so as to read as follows:

Section 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and petit jurors within the classes of counties herein permitted to be made; such compensation, however, shall not, in any class, exceed the sum of three dollars per day.

Constitutional amendment read.

The roll was called, and Assembly Constitutional Amendment No. 7 adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Davis, Devlin, Drew, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento,

Johnson of San Diego, Kohlman, Leeds, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—55.

NOES—None.

Constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 8.

Resolution to amend Section 6 of Article IX of the Constitution of California.

The Legislature of the State of California, at its thirty-seventh session, commencing on the 7th day of January, 1907, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that Section 6 of Article IX of the Constitution of the State of California be amended to read as follows:

Public school system and tax.

Section 6. The public school system shall include elementary schools and such secondary schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State School Fund and from the general State school tax shall be applied exclusively to the support of elementary schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of secondary schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied.

Constitutional amendment read.

The roll was called, and Assembly Constitutional Amendment No. 8 adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—56.

NOES—None.

Constitutional amendment ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 5—Amending the Constitution providing for free public school books.

Constitutional amendment passed on file.

Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18 and by adding a new section, to be known as Section 55*a*.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 266 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lucas, Ludington, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Bill passed on file.

Assembly Bill No. 104—An Act entitled "An Act to amend Section 685 of the Code of Civil Procedure of the State of California."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 104 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Collister, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lucas, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Snyder, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, and Wilson—48.

NOES—Messrs. Cogswell, Costar, Hammon, Higgins, Ludington, McConnell, Pyle, Spaulding, and Mr. Speaker—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 430 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Leeds, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, and Wilson—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 477 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, and Wilson—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 480 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chase, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, and Wilson—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

During the third reading of the bill, Mr. Thompson of Los Angeles moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Strike out of line 8, Section 2, page 2 of printed bill, the word "thereto" and insert in lieu thereof the word "hereto."

AMENDMENT No. 2.

Strike out of line 25, Section 3, page 2 of printed bill, the word "less" and insert in lieu thereof the word "more."

Motion carried.

The Speaker appointed Mr. Thompson of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 371, with instructions, do now report that the instructions of the Assembly have been carried out.

THOMPSON of Los Angeles, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 233—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers, in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Bill passed on file.

Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill passed on file.

Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Bill passed on file.

Assembly Bill No. 401—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.

Bill passed on file.

Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

Bill passed on file.

Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill passed on file.

Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

During the third reading of the bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the title, printed bill, the following:
"The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 505, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 403—An Act in relation to the attendance of pupils in the high schools of the State of California.

Bill passed on file.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relating to State school tax.

During the third reading of the bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the title, printed bill, the following:
"The people of the State of California, represented in Senate and Assembly, do enact as follows:
"SECTION 1. Section 443 of the Political Code is hereby amended so as to read as follows:"
And insert the figures "443" at the beginning of line 1 of Section 1 of printed bill.

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 462 with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 127—An Act to amend Sections 3078, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 127 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cullen, Cutten, Devlin, Drew, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 96—An Act to amend An Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 737 thereof, relating to the salaries of judges of the Superior Court.

During the third reading of the bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Strike out the word "Sacramento," in line 8 of Section 1 of the printed bill, as amended.

AMENDMENT No. 2.

Strike out the word "Marin," in line 10 of Section 1 of the printed bill, as amended.

AMENDMENT No. 3.

Strike out the words "of the County of Orange three thousand five hundred dollars," in lines 15 and 16 of Section 1 of the printed bill, as amended.

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 96, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops and the amount to be deducted as tare.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 177 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Collister, Cornish, Cullen, Cutten, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Transue, Vogel, Weske, Wessling, Whitmore, and Wilson—52.

NOES—Mr. Hans.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 317—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1829, relative to district school taxes.

Bill passed on file.

Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 217 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 365 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wilson, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Bill passed on file.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relating to duties of the Text-Book Committee.

During the third reading of the bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the title, printed bill, the following:

"The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Also the following:

SECTION 1. Section eighteen hundred and seventy-four of the Political Code is hereby amended to read as follows:

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 543, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

During the third reading of the bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the title, printed bill, the following:
"The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 541, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other state, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 561 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—61.

NOES—Messrs. Hammon and Pierce—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bill No. 373—An Act to enable executors to sell real property or interests in real property belonging to estates now in probate without filing a petition as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accounting filed in the Superior Courts were in part or in whole destroyed by the fire of, on or about, April 18, 1906, which burned a portion of the City of San Francisco.

Bill withdrawn and ordered stricken from the file.

Assembly Bill No. 558—An Act entitled an Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 558 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, John, Johnson of Sacramento, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, Percival, Pierce, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

NOES—Messrs. Birdsall, Bush, Cutten, Finney, Fisher, Hewitt, Higgins, Johnson of San Diego, Kohlman, Ludington, McClellan, O'Brien, Otis, Pyle, and Stanton—15.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 324 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Chandler, Coghlan, Cornish, Costar, Cullen, Devlin, Drew, Finney, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Ludington, Lynch, McGuire, McMullin, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wilson, and Mr. Speaker—46.

NOES—Messrs. Case, Cogswell, Cutten, Davis, Fisher, Hans, Lemon, McClellan, McConnell, McKeon, Otis, Percival, and Spaulding—13.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Bill passed on file.

Assembly Bill No. 175—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 175 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann,

Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Beardslee in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 216—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers, the officers of courts, or by law, and defining newspapers of general circulation.

Bill read third time.

CALL OF THE HOUSE.

Pending the call of the roll on Assembly Bill No. 216, Mr. Johnson of Sacramento moved a call of the House.

Motion carried.

Time, two o'clock and five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Baxter, Bell, Bishop, Bush, Campbell, Case, Costar, Cullen, Cutten, Devlin, Drew, Fisher, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lucas, Ludington, McConnell, McKeon, Percival, Pyle, Root, Sackett, Smith, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and ten minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Johnson of Sacramento.

SPECIAL ORDER SET.

Mr. Johnson of Sacramento moved that Assembly Bill No. 216 be made a special order for eleven o'clock A. M. on Friday, February 8, 1907.

Motion carried.

Assembly Bill No. 454—An Act to amend Section 348 of the Code of Civil Procedure of California, relating to the time within which actions must be commenced.

Bill passed on file, but to retain its place.

Assembly Bill No. 441—An Act to amend the title and Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

Bill read third time, and passed on file, but to retain its place on file for further consideration.

Assembly Bill No. 497—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 497 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cullen, Cutten, Devlin, Drew, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979*a*, relating to duties of the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 498 passed by the following vote:

AYES—Messrs. Beban, Bell, Bishop, Boyle, Butler, Campbell, Case, Chandler, Costar, Cullen, Cutten, Devlin, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Bill passed on file, but to retain its place.

Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 149 passed by the following vote:

AYES—Messrs. Beban, Bell, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Costar, Cutten, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Smith, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessments of property for taxation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 148 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Bishop, Boyle, Bush, Butler, Chandler, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lucas, Ludington, McClellan, McConnell, McGuire, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—Messrs. Campbell, Case, Held, McKeon, and Spaulding—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered 7½.

Bill read third time, and ordered on file for further consideration.

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Bill read third time.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, Assembly Bill No. 398 was made a special order for 11 A. M. of Thursday, February 7, 1907.

Assembly Bill No. 157—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 157 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 6—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Costar, Cullen, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the third line of the title the following:
SECTION 1. "Section 1663 of the Political Code is hereby amended to read as follows:"

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "be construed as prohibiting," on line 14, first page, printed bill, and inserting in lieu thereof the following: after the word "shall" the word "prohibit."

Amendment adopted.

Also:

Amend by striking out the word "heretofore," on line 16, first page, printed bill.

Amendment adopted.

Also:

Insert after the title, printed bill, the following:
"The people of the State of California, represented in Senate and Assembly, do enact as follows."
Also, the following:
"SECTION 1. Section sixteen hundred and sixty-three of the Political Code is hereby amended to read as follows."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 404—An Act to amend Title I of Part IV of the Civil Code of the State of California, by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens.

During second reading of bill, the following amendment was submitted by the committe:

Amend by striking out all after the figures "1002," in line 2½ of Section 1 of the printed bill, and insert in lieu thereof as follows:
"No alien, resident or non-resident of this State, shall directly or indirectly acquire by occupancy, accession, transfer, will, or succession any real property or interest therein in this State, without first declaring his intention to become a naturalized citizen under the laws of the United States; nor shall any such alien hold under lease any real property or interest therein in this State for a longer period or term than one year without first so declaring his intentions; and any deed, devise, or lease made contrary to the provisions of this Act shall be null and void."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 527—An Act entitled "An Act to amend Section 671 of the Civil Code."

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all after the figures "671," in line 3 of the printed bill, and insert in lieu thereof the following:
"Any person, a citizen of the United States, and any alien who has declared his intention to become a naturalized citizen of the United States, may take, hold, and dispose of property, real and personal, within this State.
"SECTION 2. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding thereto, after the word "challenges," in line 7 of Section 1 of the printed bill, the following:

"No peremptory challenge shall be taken unless the panel is full at the time said challenge is exercised. Such challenge must be taken by the parties alternately, commencing with the plaintiff."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 349—An Act to amend Sections 4332 and 4333 of the Political Code of the State of California, relating to fees of public officers.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all of line 12 of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "or" where it first appears in line 9 of Section 1 of the printed bill, and insert in lieu thereof the word "on."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of lines 17 and 18 of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 355—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof, and by adding a new section immediately after Section 1918, to be numbered 1918*a*, relating to rate of interest that may be agreed upon in written instruments.

Bill read second time, and ordered to engrossment.

Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 383—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 392—An Act to limit the authority of judges of the Superior Court in certain cases.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bill No. 392.

Bill withdrawn and ordered stricken from the file.

Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "entered," in line 8 of Section 1 of the printed bill, and insert in lieu thereof the word "announced."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "a," in line 8 of Section 1 of the printed bill, and insert in lieu thereof the word "the."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting the figures "1693," at the beginning of line 3 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "heretofore appointed," in line 11 of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 101—An Act to amend Sections 3346 and 3346*a* of the Civil Code, and to add thereto a new section, to be denominated Section 3346*b*, all relating to the measure of damages for injuries to timber and timber lands.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the figure "7," in line 2 of Section 3 of the printed bill, and insert in lieu thereof the figure "6."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figure "7," in line 3 of Section 3 of the printed bill, and insert in lieu thereof the figure "6."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 105—An Act to add a new section to the Penal Code, to be numbered Section 600*a*, relating to malicious burning of forests.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 244—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend Section 1 by striking out the words "each and every retail dealer of," where it appears in line 1 of Section 1 of the printed bill, and insert in lieu thereof "every person engaged in the business of selling at retail."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "firearm," in line 7 of Section 1 of the printed bill, "which said register shall be open to the inspection of all peace officers at all times."

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 2 and insert in lieu thereof as follows:

SEC. 2. Every person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall on conviction be fined a sum not to exceed $50, or in default of the payment of said fine shall be imprisoned in the county jail not to exceed one day for each $2 of said fine.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill passed on file.

CONSIDERATION OF CODE BILLS.

Assembly Bill No. 179—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Mr. Drew asked for, and was granted unanimous consent to withdraw Assembly Bill No. 179.

Bill withdrawn and ordered stricken from the file.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Bill passed on file.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

During the third reading of the bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

By adding at the end of line 8, Section 1, page 1 of the printed bill, the following: "In the order, the court must ascertain and determine whether said estate is worth more or less than ten thousand dollars, which determination is conclusive for the purpose of giving notice to creditors, but for no other purpose."

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 178, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Bill passed on file.

Assembly Bill No. 188—An Act to repeal Chapter III, of Title IV, of Part III of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Bill passed on file.

Assembly Bill No. 184—An Act to repeal Title VIII, of Part III, of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

During the third reading of the bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows.

By striking out the word "Sec." where it occurs at the beginning of lines 7, 8, 9, and 10, and insert in lieu thereof, at the beginning of line 7 only the following: "Section."

Motion carried.

The Speaker appointed Mr Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 184, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

SECOND READING OF BILLS.

Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602½, relating to the tearing down of fences and the opening of gates, bars, and fences, and the hunting upon lands of another, and the killing, maiming, or wounding of any animal, and the leaving of camp fires burning or unextinguished.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "or," on line 6, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "or," on line 8, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "or," where it occurs the second time on line 12, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "or," on line 15, Section 1, second page, printed bill, and inserting in lieu thereof the following: "and."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "and if found," on line 17, and all of lines 18, 19, 20, and 21, Section 1, second page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "affidavit of the," on line 15, Section 1, second page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "that the matters and things therein contained are true," on lines 16 and 17, Section 1, second page, printed bill, and inserting in lieu thereof the following: "as provided by section four hundred forty-six of this Code."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "county," on line 7, Section 2, second page, printed bill, the following: "city and county."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "which shall be a debt against the estate, to be paid in the ordinary course of administration," on lines 7 and 8, Section 1, first page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "other" on line 9, Section 2, second page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of decedents.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "to" on line 10, Section 1, first page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 275—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "he" on line 12, Section 1, first page, printed bill and inserting in lieu thereof the following: "the court."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure, and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads and of other property exempt from execution, belonging to estates of decedents.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Bill read second time, and ordered to engrossment.

MOTION.

Mr. Stanton moved that Assembly Concurrent Resolution No. 12, relating to charter amendments of the City of Los Angeles, be taken up for consideration.

Motion carried.

CONSIDERATION OF CONCURRENT RESOLUTION.

ASSEMBLY CONCURRENT RESOLUTION NO. 12.

Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants, and has been ever since the year 1889, and is now, organized and acting

under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 455); and

WHEREAS, The city council of said City of Los Angeles, did, by Ordinance No. 13394, (New Series), adopted by said city council on the 3rd day of October, 1906, and approved by the mayor of said city on the 3rd day of October, 1906, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles the four certain amendments hereinafter set forth to the charter of said city, to be submitted to said qualified electors at a general municipal election, to be held in said city on the 4th day of December, 1906; and

WHEREAS, Said four proposed amendments hereinafter set forth were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to-wit: "The Los Angeles Daily Journal," said publication ending on the twenty-third day of October, 1906; and

WHEREAS, Thereafter the city council of said city did, by an ordinance designated as Ordinance Number 13610 (New Series), which was duly adopted on the nineteenth day of November, 1906, order the holding of a general municipal election in said City of Los Angeles on the fourth day of December, 1906, (at least forty days after the publication of said four proposed amendments hereinafter set forth for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to-wit: "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said four proposed amendments to the said charter, to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the mayor of said city on the nineteenth day of November, 1906, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify each and all of said four proposed amendments hereinafter set forth to said charter; and

WHEREAS, The City Council of said City of Los Angeles, at regular and at special meetings thereof, held within ten days after said election, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each and all of the said four proposed amendments to said charter; and,

WHEREAS, The Mayor and City Clerk of said City of Los Angeles did, on the twenty-second day of January, 1907, duly certify to the submission to the electors of said city of said four proposed amendments to said charter, and to the ratification of said four amendments, and did further certify to a copy of said four proposed amendments, authenticated by the seal of the said City of Los Angeles, which said certificate is in the words and figures following, to-wit:

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, } ss.
CITY OF LOS ANGELES, }

We, the undersigned, A. C. Harper, Mayor of the City of Los Angeles, State of California, and Harry J. Lelande, City Clerk of said city, do hereby certify and declare as follows:

That the City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California on the 31st day of January, 1889. (Statutes of 1889, page 455);

That the City Council of the City of Los Angeles did, by Ordinance No. 13394 (New Series), adopted by said City Council on the 3rd day of October, 1906, and approved by the mayor of said city on the 3rd day of October, 1906, and pursuant to Section 8 of Article XI, of the Constitution of the State of California, duly propose to the qualified electors of the said City of Los Angeles four certain amendments to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the 4th day of December, 1906; which said amendments were and are in the words and figures following, to-wit:

AMENDMENT NUMBER ONE.

That section sixty-five of the charter be amended to read as follows:

Sec. 65. The officers of the city shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments at the end of each calendar month:

The Mayor shall receive $3,600 per annum.

Each Councilman shall receive $1,200 per annum.

The City Clerk shall receive $2,400 per annum.
The City Auditor shall receive $3,000 per annum.
The City Assessor shall receive $2,400 per annum.
The City Treasurer shall receive $2,400 per annum.
The City Engineer shall receive $5,000 per annum.
The City Attorney shall receive $3,000 per annum.
The Chief of Police shall receive $3,000 per annum.
The Health Officer shall receive $3,600 per annum.
The City Tax and License Collector shall receive $3,000 per annum.
Each member of the Board of Public Works shall receive $3,600 per annum.

That Subdivision (*c*) of section one hundred and forty-three of the charter be amended to read as follows:

(*c*) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary of $2,400, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

That Subdivision (*h*) of section one hundred forty-three of the charter be amended to read as follows:

(*h*) The Board of Public Works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated as the City Engineer. He shall receive a salary of $5,000 per annum, and shall hold office at the pleasure of the board. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform such other surveying or engineering work, as may be required by said board or by the City Council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the City Engineer. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.

AMENDMENT NUMBER TWO.

That a new section be added to the charter, to be known as section one hundred forty-six and one half, and to read as follows:

Sec. 146½. The Board of Public Works shall have power to acquire and take by purchase, condemnation or otherwise, in the name of the city, any and all property that may be necessary or convenient for the construction or completion of any public work or improvement, the construction or completion of which the Board of Public Works has charge, superintendence or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by said city.

That section one hundred and forty-eight of the charter be amended to read as follows:

Sec. 148. All contracts for the performance or furnishing of labor, material or supplies, required for the execution of any service of which the Board of Public Works has charge, superintendence or control, or for the construction or completion of any work or improvement of the construction or completion of which said board has charge, superintendence or control, except public work or improvements, the cost or expenses of which are to be paid by assessment upon property in proportion to frontage or benefits and except as hereinafter provided, shall be let and entered into in behalf of the city by the board in the following manner:

Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, upon the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published one or more times in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the performance or furnishing of the labor, service, materials or supplies required. Said notice shall require the bids to be filed with the board at or before a certain hour of a day to be specified in the notice, and shall contain a general description of the work, service, materials or supplies to be performed or furnished, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, materials or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board for an amount not less than five per cent. of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid

shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received. The board shall award the contract to the lowest regular, responsible bidder, or shall reject all bids. The board shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular, responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the City Attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor and by a responsible surety company or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board, a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise, without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than $500, the resolution of the council authorizing the same, shall, before it takes effect, be approved by the Mayor; *provided, however*, that authorization or approval by the council or the Mayor shall not be required in the case of any contract proposed to be made by the board, after advertisement for and inviting bids, as above provided, for the performance or furnishing of labor, materials or supplies required for the construction or completion of any work or improvement, of the construction or completion of which the said board has charge, superintendence or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by the city; *and provided, further*, that authorization or approval by the council or Mayor, or advertisement for or inviting bids shall not be required in the case of any contract proposed to be made by the board for the performance or furnishing of labor, materials or supplies required as aforesaid, when such contract does not involve an expenditure of more than five hundred dollars.

That a new section be added to the charter, to be known as section one hundred and fifty, and to read as follows:

Sec. 150. The Board of Public Works shall present to the City Council at its meeting in the second week of December in each year, a report for the year ending on the thirtieth day of November next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also, such information and suggestions as it may deem of general interest; and the Board of Public Works shall also, on or before the tenth day of each month make out and present to the City Council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds.

That a new section be added to the charter, to be known as Section 151, to read as follows:

Sec. 151. When the construction or completion of any public work or improvement, the cost of which is to be paid out of the proceeds of the sale of bonds, is to be carried on outside the City of Los Angeles, and the Board of Public Works shall deem it necessary or convenient that any part of the money to be expended for the cost of such work or improvements shall be disbursed at any point or points outside said city, said board may appoint a disbursing agent, whose duty it shall be to disburse such money, in the manner hereinafter specified. The said disbursing agent shall enter into and deliver to the said board a bond payable to the city, in a sum to be fixed by said board, conditioned for the faithful performance of his duties, executed by himself, and by a responsible surety company, or if required by the board, by two or more sufficient sureties approved by the board, and said board may, from time to time, require from said disbursing agent, a new bond, or such additional bond as it may deem proper. Said board shall, after the execution and delivery of such bond, by resolution, authorize the payment and delivery to said disbursing agent of such sum of money as it may deem proper, and said sum shall thereupon be paid to said disbursing agent by the City Treasurer upon a demand approved by the board as in other cases out of the fund from which the cost of said

work or improvement is to be paid, and the receipt of said disbursing agent therefor shall release the City Treasurer from all liability for the money so paid; *provided, however*, that said board shall not authorize the payment to said disbursing agent of any money which, together with the moneys already paid to him and remaining unexpended as herein provided, shall exceed fifty per cent of the amount of the bond of said disbursing agent.

That said disbursing agent shall thereafter pay out said money as may be required in the prosecution of said work for services or for material and supplies, but no money shall be paid by him except upon order of said Board of Public Works and upon vouchers or demands certified to be correct by the officer or agent of the city under whose direction the services are rendered or the materials or supplies used.

Said disbursing agent shall, on or before the tenth day of each calendar month, and at such other times as may be required by said Board of Public Works, render to said board an account showing the amount of money in his hands on the first day of the preceding calendar month, all amounts received, and all moneys disbursed by him during said preceding month, and the amount of money remaining in his hands on the last day of said preceding month.

Said disbursing agent shall perform such other duties and comply with such rules and regulations as the Board of Public Works may prescribe. Said agent shall be exempt from the provisions of the civil service, and shall receive such salary as the council by ordinance may fix.

That section two hundred and nine of the charter, be amended to read as follows:

Sec. 209. Said demands, except demands payable out of the School Fund, the Library Fund, Water Revenue Fund or funds derived from the sale of bonds issued by the City of Los Angeles, shall be presented to the council on forms and blanks to be provided by the City Clerk, and shall be referred to its Committee on Finance. The said committee shall, by endorsement thereon, approve or reject the same in whole or in part. The council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the council shall be endorsed thereon, with the date of such action, and certified by the signature of the President and City Clerk; *provided*, that it shall require the votes of two-thirds of the members of the whole council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

That a new section be added to the charter, to be known as section two hundred thirteen and three-quarters, and to read as follows:

Sec. 213¾. All demands payable out of funds derived from the sale of bonds issued by the City of Los Angeles to pay the cost of constructing or completing any public work, improvement or building must be presented to the Board of Public Works, and, before they can be approved by the City Auditor or paid, must be previously approved by the Board of Public Works, by a vote of two members thereof, taken by the ayes and noes, spread upon the minutes of the board, and the action of said board must be endorsed on said demand by the president and secretary thereof, or in the absence of the president, by two members and the secretary thereof. After the approval of said demands by the Board of Public Works, they shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference to demands payable out of funds derived from the sale of bonds, as are prescribed for other demands; *provided*, that in case the City Auditor shall reject any of such demands, or if, in his opinion, said demands should be paid only in part, he shall return the same to the Board of Public Works, instead of to the council.

That section two hundred fourteen of the charter be amended to read as follows:

Sec. 214. Any demand returned to the City Clerk, with the objections of either the Mayor or City Auditor, shall again be considered by the council, and if it shall again be approved by the council by the same vote taken and recorded and endorsed in the same manner as required by Section 209 hereof, the said objection shall be thereby overruled. Any demand returned to the Board of Education, the Board of Directors of the Los Angeles Public Library, the Board of Public Works, or the Board of Water Commissioners, with the objections of the Auditor, shall again be considered by such board, and if such demand be again approved, as required in the first instance, such objections of the said Auditor shall be thereby overruled. Any demand, the objections to which of the Mayor have been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor. Any demand the objection to which of the City Auditor has been overruled by the council, the Board of Education, the Board of Directors of the Los Angeles Public Library, the Board of Public Works, or the Board of Water Commissioners, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

That section two hundred twenty-two of the charter be amended to read as follows:

Sec. 222. No suit shall be brought on any claim for money or damages against the City of Los Angeles, its Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or the Board of Water Commis-

sioners, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall any suit be brought against said city, or said Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or Board of Water Commissioners, upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceedings against the City Council, or any board or officer of said city, to compel it or him to act upon such claim or demand or to pay the same when so audited.

AMENDMENT NUMBER THREE.

That a new section be added to the charter, to be known as section two hundred and thirty-seven and one-half, and to read as follows:

Sec. 237½. Any civil service employé who is injured in the service of the city while actually engaged in the discharge of the duties of his position may, in the discretion of the Board of Civil Service Commissioners, be assigned to a position other than that for which he has been examined, and with or without examination. Said commissioners, upon assigning such person so injured to such new position, shall place his name at the head of the eligible list, and he shall thereafter be first certified for such position. The Board of Civil Service Commissioners shall not place such person so injured as aforesaid at the head of any eligible list without carefully examining the facts of each case, and making its finding that such person is not incompetent by reason of physical or other disability, to fill the same. Nothing in this provision shall be construed as compelling said commission to take the action herein provided for unless the person injured is, in the judgment of said commission, of good moral character and worthy of receiving the benefits hereof.

That section two hundred and thirty-nine of the charter be amended to read as follows:

Sec. 239. The provisions of this article shall apply to the following departments of the city, to-wit:

The Department of the City Clerk,
The Department of Electricity,
The Fire Department,
The Treasurer's Department,
The Tax Collector's Department,
The Police Department,
The Auditor's Department,
The Assessor's Department,
The Health Department,
The Department of Building,
The Department of Public Works,
The Waterworks Department,
The Public Library,
The Park Department,
The City Engineer's Department,
The Street Department,
All Departments of Public Utilities,
All other employees of the city,

Provided, that the following shall be exempt therefrom, to wit:

All officers elected by the people,
All members of the different boards and commissions,
The Mayor's Clerk,
The Chief of Police and his Secretary,
The Chief Deputy of the Treasurer,
The City Engineer and his Chief Deputy,
The Chief Deputy and Cashier of the Tax Collector,
The Chief Deputy of the Auditor,
The City Superintendent of Schools and his deputies and teachers,
The assistants and stenographers of the City Attorney,
The City Prosecutor and the Assistant City Prosecutor,
The Librarian,
The Superintendent of Parks,
The Secretary of the Park Commission,
The Secretary of the Police Commission,
The Superintendent of Buildings,
The Humane Officer,
The Chief Engineer of the Fire Department,
The Superintendent, Water Overseer, Auditor and Cashier of the Waterworks Department,
All physicians appointed on or by the Board of Health,
All officers of election,
The Police Surgeons;

And any of the following persons may be exempted from the provisions of this article, upon the request of the head of the department in which they are employed,

by order of the Board of Civil Service Commission, approved by the council by resolution passed by the vote of two thirds (2-3) of all its members, to wit: (*a*) The first and second deputies in any department or either of such deputies where not exempt as above provided. (*b*) Unskilled laborers, including drivers. (*c*) Persons employed on the construction of public works, improvements, or buildings. (*d*) Persons employed to render professional, scientific, technical or expert services of an occasional and exceptional character. Any exception thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

AMENDMENT NUMBER FOUR.

That Section 212 of the charter be amended to read as follows:

Sec. 212. All demands payable out of the school fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Education, by a vote of five members thereof taken with the ayes and noes and spread on the minutes, and the action of said board indorsed on said demand and signed by the presiding officer and the clerk thereof. After the approval of said demands they shall be delivered to the City Auditor, who shall have the same powers and perform the same duties in reference to demands payable out of the school fund as is provided for other demands; *provided*, that in case the City Auditor shall reject any such demand, or if in his opinion said demand should be paid only in part, he shall return the same to the Board of Education, instead of the council.

That said four proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit, "The Los Angeles Daily Journal," and that said publication ended on the 23rd day of October, 1906;

That thereafter the City Council of said city did, by Ordinance No. 13610 (New Series), which was duly adopted on the nineteenth day of November, 1906, order the holding of a general municipal election in said City of Los Angeles on the 4th day of December, 1906, (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said four proposed amendments herein above set forth to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the Mayor of said city on the nineteenth day of November, 1906, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city;

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of the four proposed amendments to the charter of the City of Los Angeles hereinabove set forth;

That the City Council of the City of Los Angeles, at regular and at special meetings thereof, and within ten days after said election, which said regular and special meetings were held in the manner prescribed by law, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said four proposed amendments to said charter hereinabove set forth;

We do further hereby certify and declare that the copy of said four proposed amendments to the charter of the City of Los Angeles, hereinabove set forth, is a full, true and correct copy of the four certain proposed amendments to the charter of the City of Los Angeles, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at the general municipal election duly called and held in said city on the 4th day of December, 1906, as aforesaid;

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the City of Los Angeles, this 22nd day of January, 1907.

[SEAL.]

A. C. HARPER,
Mayor of the City of Los Angeles.
HARRY J. LELANDE,
City Clerk of the City of Los Angeles.

AND WHEREAS, the said four proposed amendments so ratified, as hereinabove set forth, have been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said amendments to the said charter of said City of Los Angeles hereinabove set forth, as presented, and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved, as a whole, for and as amendments to the said charter of said City of Los Angeles.

Concurrent resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 12 adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Collister, Costar, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Wilson, and Mr. Speaker—49.

NOES—None.

Concurrent resolution ordered transmitted to the Senate.

Mr. Transue moved that Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds and the filing and acceptance of new bonds in lieu thereof—instead of being referred to committee as heretofore this day ordered, be placed on file for second reading in place of Assembly Bill No. 488, the bills being identical.

Motion carried.

Assembly Bill No. 488 withdrawn, and ordered stricken from the file.

WITHDRAWAL OF BILL.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bill No. 373—An Act to enable executors to sell real property or interests in real property belonging to estates now in probate, without filing a petition as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accounting filed in the Superior Courts were in whole or in part destroyed by the fire of on or about April 18, 1906, which burned a portion of the City of San Francisco.

Bill withdrawn, and ordered stricken from the file.

NOTICES OF MOTIONS TO RECONSIDER.

Mr. Drew gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 561 was this day passed.

Mr. Weske gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 217 was this day passed.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Also: Assembly Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Also: Assembly Bill No. 341—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Also: Assembly Bill No. 376—An Act providing for the building of cottages for guards at the State prison at San Quentin, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds—have had the same under consideration, and respectfully report the same back, with amendment, and recommend that the same do pass as amended.

LYNCH, Chairman.

The above reported bills ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 366—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, and 12 thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DREW, Chairman.

Bill ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1907.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Also: Assembly Bill No. 231—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said commissioner, his deputy, his agents and assistants, and making an appropriation therefor.

Also: Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BUSH, Chairman.

The above reported bills ordered on file for second reading.

MESSAGES FROM THE SENATE.

On motion of Mr. Johnson of Sacramento, Senate messages were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Also: Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-weather drains within municipalities.

Also: Senate Bill No 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.

Also: Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2927*a*, relating to duties of the State Board of Health.

Also: Senate Bill No. 261—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.

Also: Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Also: Committee Substitute for Senate Bill No. 274—An Act to add a new title to Part IV of Division First of the Civil Code, to be known as Title XXI, relating to unincorporated benevolent and fraternal societies and associations.

Also: Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying and receiving of stolen property.

Also: Senate Bill No. 463—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining, and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling, or transporting materials or supplies required in the construction or completion of any public work, improvement, or utility, or for the purpose of maintaining or operating any such work, improvement, or utility,

Also: Senate Bill, No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appoinment of such additional judges,' approved March 20, 1905.

Also: Committee Substitute for Senate Bill No. 87—An Act to amend Section 3805 of the Political Code, relating to cancellation of double and erroneous assessments, certificates of sale, and tax deeds.

Also: Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School, injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.

Also: Senate Bill No. 281—An Act making an appropriation of $3,500, to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Also: Senate Bill No. 282—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Also: Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

Also: Adopted Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California a constitutional amendment, amending Article IV, Section 18, of the Constitution of the State of California, by including the Presiding Jusitices and Justices of the District Courts of Appeal in the list of State officials liable to impeachment for misdemeanor in office.

Also: Passed Senate Bill No. 174—An Act to amend Section 3414 of the Political Code, relating to actions to determine the right to purchase State lands.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Constitutional Amendment No. 22—Relative to the exemption from taxation of all of the buildings used solely and exclusively for the accommodation, support, and maintenance of minor orphans, or half orphans, or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use, and occupation thereof.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof by striking therefrom and repealing Section 4 of said article relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured, and to taxes due upon such assessment.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following, as a case of urgency:

Assembly Bill No. 173—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 30 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 47 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 263 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 262 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 261 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 20 read first time, and referred to Committee on Commerce and Navigation.

Committee Substitute for Senate Bill No. 274 read first time, and referred to Committee on Corporations.

Senate Bill No. 112 read first time, and referred to Committee on Judiciary.

Senate Bill No. 463 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 367 read first time, and referred to Committee on Judiciary.

Committee Substitute for Senate Bill No. 87 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 59 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 281 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 282 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 264 read first time, and referred to Committee on Judiciary.

Senate Constitutional Amendment No. 5 referred to Committee on Judiciary.

Senate Bill No. 174 read first time, and referred to Committee on Judiciary.

Senate Constitutional Amendments Nos. 22 and 26 referred to Committee on Constitutional Amendments.

Assembly Bill No. 173 ordered to enrollment.

ADJOURNMENT.

At three o'clock and forty minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Wednesday, February 6, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 6, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—69.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Colin Anderson of Sacramento.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. Wyatt, Baxter, and Stetson.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

APPROVAL OF JOURNALS.

The Journals of Friday, February 1, 1907; Saturday, February 2, 1907, and Sunday, February 3, 1907, were read, and, on motion of Mr. Thompson of Los Angeles, approved.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC CHARITIES AND CORRECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other states, and to pay the necessary expenses thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies—have had the same under condsideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

LUCAS, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 78—An Act to provide for the examination, tearing down and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvment of the grounds for the use of said normal school, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PYLE, Chairman.

Assembly Bill No. 78 referred to Committee on Ways and Means.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure--report the same back, with one amendment, and recommend its passage as amended.

JOHNSON of Sacramento, Chairman.

Assembly Bill No. 6 ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Spaulding:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two hundred and eighty dollars ($280.00), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for payment of the following bills attached, rent of committee rooms:

SACRAMENTO, January 24, 1907.

J. T. Stafford, Sergeant-at-Arms Assembly, California Legislature.

To rent of Room No. 17, Elks' Building, for Committee on Constitutional Amendments and Committee on Election Laws—January 14 to February 14, 1907 ..... $30 00

To rent of chairs and table 5 00

Total $35 00

SACRAMENTO, CAL., January 14, 1907.

The Assembly, State of California,

TO PYTHIAN CASTLE ASSOCIATION, Dr.

To rent for month from January 14 to February 14, 1907 ..... $125 00

SACRAMENTO, January 23, 1907.

The Assembly, State of California,

TO MAX HYMAN, Dr.

Rent of committee room from January 14, 1907, to February 14, 1907 .. $20 00

State Assembly of California,

TO UNION CLUB, Dr.

To use of large assembly room, and small rooms for one month, from January 14 to February 14 ..... $100 00

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

Mr. Transue moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Fisher, Fratessa, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—53.

NOES—None.

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 437—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 330—An Act to provide for the investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations; making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—and recommend that it do pass, and that it be re-referred to Committee on Ways and Means.

Also: Assembly Bill No. 548—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines to secure its enforcement, and to provide a penalty for the violation of the provisions thereof—and recommend that it do pass.

Also: Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891—and recommend that it do pass.

BIRDSALL, Chairman.

The above reported bills, with the exception of Assembly Bill No. 330, ordered on file for second reading.

Assembly Bill No. 330 referred to Committee on Ways and Means.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 360—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Also: Assembly Bill No. 81—An Act to add a new section to the Political Code to be numbered Section 2641*a*, and relating to the election of highway officers in counties of the forty-eighth and fifty-first classes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FINNEY, Chairman.

Assembly Bill No. 81 ordered on file for second reading.

Assembly Bill No. 360, providing for an appropriation, referred to Committee on Ways and Means.

ON PUBLIC WORKS, STATE CAPITOL AND PARKS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on Public Works, State Capitol and Parks, to whom was referred Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON of San Diego, Chairman.

Assembly Bill No. 449 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Beckett: Assembly Bill No. 645—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 310 of said Code, prohibiting the giving or selling of cigarettes, or cigarette papers, to any minor under the age of sixteen years.

Read first time, and referred to Committee on Public Morals.

By Mr. Leeds: Assembly Bill No. 646—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation."

Read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Fisher: Assembly Bill No. 647—An Act to prevent the manufacture and sale of thread of cotton, linen and silk, where such is not labeled as to its correct yardage and weight.

Read first time, and referred to Committee on Judiciary.

By Mr. Cornish: Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.

Read first time, and referred to Committee on Education.

By Mr. Bush: Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Hammon (by request): Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Cogswell: Assembly Bill No. 651—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Transue: Assembly Bill No. 652—An Act to repeal Title XVI, of Part IV, of Division First of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI, consisting of Chapter I, Chapter II, and Chapter III, to take the place thereof in said Code, relating to land and building corporations, mutual building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Assembly Bill No. 653—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 654—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of the State Mineralogist, who shall perform the duties of his office under the direction and supervision of the Board of Trustees

of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 655—An Act to amend Section 3747 of the Political Code, relating to the payment of taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Devlin: Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occured but for a peril excepted in the contract of insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 657—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 658—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Bishop: Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Davis: Assembly Bill No. 660—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Johnson of Sacramento: Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for recording of mortgages of personal property by persons who do not reside in this State.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 662—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring, or setting adrift rafts or vessels.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Finney: Assembly Bill No. 664—An Act to provide for the survey and construction of a State highway from Red Bluff, California, to Eureka, California, in Tehama, Shasta, Trinity and Humboldt counties, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Beardslee: Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 666—An Act to appropriate $4,000 for the paving and improvement of the streets fronting the grounds of the State Normal School at Los Angeles.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 667—An Act to appropriate $2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and authorize the trustees of said school to construct said retaining walls and fences.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Wyatt: Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 669—An Act to repeal Title I, of Part II, of the Political Code, and to substitute therefor a new title, to be known as Title I, of Part II, of said Code, relating to the chief political divisions of the State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

RESOLUTION.

The following resolution was offered:

By Mr. Kohlman:

WHEREAS, The members seated at the east end of the Assembly Chamber under the gallery and adjacent thereto, have great difficulty in understanding the business being transacted in the Assembly; and

WHEREAS, There is a large space directly in front of the clerk's desk now occupied by the newspaper reporters solely by leave of the Assembly, which could be used by the members; and

WHEREAS, The said newspaper reporters could attend to their business just as promptly and easily in the east end of the Assembly Chamber as in the place now occupied by them and with much more comfort to themselves; therefore, be it

Resolved, That the Sergeant-at-Arms be and he is hereby directed to move the desks of the newspaper reporters to the east end of the Assembly Chamber and to move the desks of the members now arranged under the gallery to the space now occupied by the newspaper reporters.

Resolution read, and referred to Committee on Contingent Expenses, with request to report at an early date.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly reëngrossed:

Assembly Bill No. 123—An Act to amend Sections 3, 4, 9, 10, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial

and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

And the following bills correctly engrossed:

Assembly Bill No. 355—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof and by adding a new section immediately after Section 1918, to be numbered Section 1918*a*, relating to rate of interest that may be agreed upon in written instruments.

Assembly Bill No. 383—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery or payment of deposit made in the names of two or more persons.

Assembly Bill No. 105—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads and of other property exempt from execution, belonging to estates of decedents.

Assembly Bill No 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Assembly Bill No. 99—An Act to amend Section 1036 of the Code of Civil Procedure, relating to the right of a defendant to require security for costs when plaintiff is a nonresident or foreign corporation

Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to Superior Courts.

Assembly Bill No. 15—An Act to add a new section to the Civil Code of California, to be known as Section 1669, authorizing the recovery by suit of money put up, staked, or lost at gaming.

Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended, March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

Assembly Bill No. 60—An Act creating and defining the liability of railroad corporations for injuries to employés, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Assembly Bill No. 315—An Act amending Section 1503 of the Political Code of the State of California, relating to Normal School diplomas.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Assembly Bill No. 123, reëngrossed, ordered on file for passage.

THIRD READING OF BILLS—RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Drew moved that the vote whereby Assembly Bill No. 561 was passed be reconsidered.

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other State, or of the United States Army, Navy, Marine Corps or Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Bush, Butler, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—58.

NOES—Messrs. Boyle, Campbell, Cornish, Cullen, Finney, Johnson of Sacramento, McKeon, Sackett, and Strohl—9.

SPECIAL ORDER SET.

Mr. Drew moved that further consideration of Assembly Bill No. 561 be made a special order for eleven o'clock A. M. of Friday, February 8, 1907.

Motion carried.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Weske moved that the vote whereby Assembly Bill No. 217 was passed be reconsidered.

Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Motion seconded.

SPECIAL ORDER SET.

On motion of Mr. Weske, further action on the reconsideration of vote on Assembly Bill No. 217 was made a special order for eleven o'clock A. M. of Thursday, February 7, 1907.

Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Bill read third time on a previous day,

Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill as follows:

On line 10, Section 3, printed bill, after word "propogation," insert words "or preservation."

Also: On line 10, Section 3, printed bill, after word "fish," insert words "or game."

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 40, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Mr. Leeds moved the adoption of the report.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 40 passed by the following vote:

AYES—Messrs. Barry, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—62.

NOES—Mr. Leeds—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill passed on file.

Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Bill passed on file.

Assembly Bill No. 401— An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.

Bill passed on file.

Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

Bill passed on file.

Assembly Bill No. 403—An Act in relation to the attendance of pupils in the high schools of the State of California.

Bill passed on file.

Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

SPECIAL ORDER SET.

On motion of Mr. Sackett, further consideration of Assembly Bill No. 422 was made a special order for two o'clock P. M. of Friday, February 8, 1907.

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 123 passed by the following vote:

AYES—Messrs. Barry, Berry, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 317—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1829, relative to district school taxes.

During third reading of the bill, Mr. Thompson of Los Angeles moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out lines 4 to 42, inclusive, on pages 1 and 2 of the amended printed bill, and insert in lieu thereof the following:

1829. Whenever in the judgment of the board of trustees or board of education of any school district there will not be sufficient money in the funds of the district to make needed repairs to school buildings, or to build additions thereto, or to improve the school grounds, or to buy furniture, books, supplies, or apparatus, or to pay the salaries of teachers or janitors, or to pay the tuition at any high school of any pupil residing in said district, or to pay for the transportation, to and from school, of such pupils as may seem to such board to be in need of such transportation, they may, at any regular meeting held between the 1st day of May and the 20th day of July of any calendar year, adopt a resolution reciting that the necessities of the district require an additional sum (naming it) for the purpose or purposes stated therein. Notice of the passage of such resolution shall be posted conspicuously in three public places within such district, and also at the door of each school house within the district, for not less than three weeks after its adoption. At the expiration of the period of posting, the clerk of the board of trustees, or board of education, shall transmit a copy of the resolution, a copy of the posted notices, and an affidavit reciting the time from which to which the notices were posted and the places where such notices were posted, to the county, or city and county, superintendent of schools. Unless a protest against the levying of such tax is made, signed by at least 40 per cent of the heads of families residing in the district as determined by the last preceding school census, and filed with the county, or city and county, superintendent of schools, within the period when said notices are posted, the county, or city and county, superintendent of schools shall transmit said copy of the resolution, copy of the posted notices, and the affidavit of posting, together with his certificate, certifying that a sufficient protest has not been filed in his office within the legal time, to the board of supervisors. At the time of fixing the annual tax levy the board of supervisors shall levy a tax upon the assessable property of the district making the request, levying the same in the manner required by Section 1837 of this Code, *provided* that if the rate required to produce the given sum would exceed twenty-five cents on the one hundred dollars of assessed valuation, then the rate shall be fixed at twenty-five cents on the one hundred dollars of assessed valuation. Such tax, when collected, shall be placed to the credit of the special fund of the district in which it is levied. Instead of the exercise of the power conferred by this section, proceedings may be taken as provided in the succeeding sections of this article. In the event that an attempt to exercise the power conferred by this section is defeated by petition as provided herein, the board of trustees or board of education may thereafter take such measures as are provided for in succeeding sections of this article

SECTION 2. This Act shall take effect and be in force on and after its passage.

Motion carried.

The Speaker appointed Mr. Thompson of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 717, with instructions, do now report that the instructions of the Assembly have been carried out.

THOMPSON of Los Angeles, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 60—An Act creating and defining the liability of railroad corporations for injuries to employés, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

Bill passed on file.

Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

Bill read third time, and re-referred to Committee on Ways and Means.

Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Boyle, Bush, Chandler, Collister, Davis, Drew, Forbes, Fratessa, Hans, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—46.

NOES—Messrs. Bishop, Campbell, Cogswell, Costar, Cutten, Devlin, Hartmann, John, and Thompson of San Francisco—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to Superior Courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 135 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Smith, Spaulding, Stanton, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, and Mr. Speaker—51.

NOES—Messrs. Barry, Coghlan, Cornish, Cullen, Kelly, Thompson of San Francisco, Vogel, and Wilson—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15—An Act to add a new section to the Penal Code of California, to be known as Section 337*b*, authorizing the recovery by suit of money put up, staked, or lost at gaming.

Bill passed on file.

Assembly Bill No. 454—An Act to amend Section 348 of the Code of Civil Procedure of California, relating to the time within which actions must be commenced.

Bill passed on file.

Assembly Bill No. 99—An Act to repeal Section 1036 of the Code of Civil Procedure, relating to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California, and by foreign corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 99 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 441—An Act to amend the title and Section 2 of an Act entitled an Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities, approved March 20, 1903.

Bill passed on file.

Assembly Bill No. 507—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Bill passed on file.

Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

AMENDMENT RESCINDED.

Mr. Hewitt moved that the action of the Assembly on a previous day in amending line 3, page 16 of printed bill be rescinded—there being no page 16 in the bill.

Motion carried and amendment ordered stricken from the bill.

Mr. Hewitt stated that the bill was correctly engrossed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 460 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 506 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act and by adding a new section to said Act, to be numbered $7\frac{1}{2}$.

Bill read third time, and restored to file for further consideration.

Assembly Bill No. 355—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof, and by adding a new section immediately after Section 1918, to be numbered Section 1918*a*, relating to rate of interest that may be agreed upon in written instruments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 355 passed by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, and Mr Speaker—56.

NOES—Messrs. Berry and Smith—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons.

Bill read third time, and restored to file for further consideration.

Assembly Bill No. 105—An Act to add a new section to the Penal Code, to be numbered Section 600*a*, relating to malicious burning of forests.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 105 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Smith, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

THIRD READING OF BILLS—(RESUMED).

ASSEMBLY CONCURRENT RESOLUTION No. 13.

Approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22nd day of January, 1907.

WHEREAS, The City of Santa Cruz, a municipal corporation of the County of Santa Cruz, State of California, now is and was at all the times herein referred to a city containing a population of more than thirty five hundred inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 20th day of August, A. D. 1906, under and in accordance with the laws and with the provisions of Section Eight of Article Eleven of the Constitution of the said State of California, a Board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said Board of Freeholders did, in accordance with law, and within ninety days after said election, prepare and propose a charter for the government of the said City of Santa Cruz; and

WHEREAS, Said Board of Freeholders did at the same time and place prepare and propose with said proposed charter the following three alternative propositions:

I. "The Mayor shall receive a salary of six hundred dollars a year, payable monthly."

II. "Members of the City Council shall each receive a salary of three hundred dollars a year, payable monthly."

III. "The Recall;" and

WHEREAS, The said proposed charter and the said three alternative propositions were, on the 15th day of November, A. D. 1906, signed in duplicate by the members of said Board of Freeholders, and one copy thereof was, on the 16th day of November, A. D. 1906, duly returned and filed with the Mayor of said City of Santa Cruz, and the other copy thereof was duly returned and filed with and in the office of the County Recorder of said County of Santa Cruz; and

WHEREAS, Such proposed charter and said three alternative propositions were thereafter published in the "Santa Cruz Morning Sentinel" and in the "Santa Cruz Surf," each being daily newspapers of general circulation in said City of Santa Cruz, for a period of twenty days and more, the first publication thereof having been made within twenty days after the completion of said proposed charter and said three alternative propositions; and

WHEREAS, Said proposed charter and said three alternative propositions were within thirty days after the completion of said publication, submitted by the Mayor and Common Council of the said City of Santa Cruz to the qualified voters of said city at a special municipal election previously duly called and herein held on the 22nd day of January, 1907; and

WHEREAS, At said last mentioned special municipal election a majority of said qualified electors of said city voting at such special municipal election, voted for and in favor of the ratification of such proposed charter as proposed as a whole, and also voted in favor of the ratification of each of said three alternative propositions; and

WHEREAS, Said Mayor and Common Council of the City of Santa Cruz, after canvassing said returns, duly found and declared that the majority of said qualified electors voting at such special municipal election had voted for ratifying said proposed charter and had voted in favor of and for ratifying each of said three alternative propositions; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section Eight of Article Eleven of the Constitution of the State of California; and

WHEREAS, Said proposed charter and said three alternative propositions are in the words and figures following, to wit:

CHARTER FOR THE CITY OF SANTA CRUZ.

ARTICLE I.

SECTION 1.—The municipal corporation now existing, known as the City of Santa Cruz, shall continue to be a body corporate and politic under the name of the City of Santa Cruz, and with the following boundaries, to-wit:

Beginning on the Bay of Monterey at a point on said Bay 410 feet west of the section line between sections nineteen (19) and twenty (20), T. 11. R. 1. W., M. D. M.; thence northerly along the middle of Woods Lagoon and the creek in Arana Gulch to the boundary of the City Park, otherwise known as de Laveaga Heights; thence north 88 degrees east 140 feet to a station; thence south 50¾ degrees east 79.20 feet to a station on the west side of the County road; thence north 17½ degrees east 14.50 feet to a station; thence north 2 degrees west 91 feet along the west side of said County road to a station; thence south 89¾ degrees west 396 feet to a station; thence north 32 degrees west 130 feet to a station; thence north 34 degrees west 150 feet to a station; thence north 36 degrees 45 minutes west 50 feet to a station; thence north 52 degrees west 150 feet to a station; thence north 62 degrees west 120 feet to a station; thence north 60 degrees 30 minutes west 260 feet to a station; thence north 1 degree 15 minutes east 185 feet to a station; thence north 30 degrees 15 minutes east 60 feet to a station; thence north 4 degrees east 50 feet to a station; thence north 36 degrees 30 minutes west 130 feet to a station; thence north 16 degrees 15 minutes west 280 feet to a station; thence north 2 degrees 45 minutes west 164 feet to a station; thence north 20 degrees 15 minutes west 283 feet to a station; thence north 9 degrees west 163 feet to a station; thence north 6 degrees 45 minutes west 180 feet to a station; thence north 4 degrees 45 minutes west 160 feet to a station; thence north 22 degrees east 130 feet to a station; thence north 7 degrees 38 minutes west 286 feet to a station; thence north 37 degrees west 113 feet to a station; thence north 130 feet to a station; thence north 46 degrees east 80 feet to a station; thence north 6 degrees 30 minutes west 159 feet to a station; thence north 2 degrees 30 minutes east 70 feet to a station; thence north 33 degrees 15 minutes west 86 feet to a station; thence north 0 degrees 30 minutes west 831 feet to the northeast corner of the City Park, otherwise known as de Laveaga Heights; thence along the northerly boundary of the said City Park south 89 degrees 33 minutes west 1112 feet to a station; thence north 5 degrees 35 minutes east 170 feet to a station; thence north 29 degrees east 145 feet to a station; thence north 29 degrees 45 minutes east 759 feet to a station; thence north 25 degrees 45 minutes east 217.80 feet to a station on the westerly side of a right of way; thence along the westerly side of the said right of way north 1 degree east 105 feet to a station; thence north 57 degrees 30 minutes west 142 feet to a station; thence south 89 degrees 20 minutes west 690.40 feet to a station; thence south 623 feet to a station; thence north 57 degrees 30 minutes west 278.50 feet to a station; thence south 562.30 feet to a station; thence west 1026.30 feet to a station; thence north 47 degrees 15 minutes west 130 feet to a station; thence along the easterly, northerly and westerly boundaries of the City Park, otherwise known as de Laveaga Heights, 80½ feet to the northwesterly corner of the said City Park on the easterly side of the Blackburn Gulch road; thence southwesterly along the easterly side of the said road to a point on the produced southerly boundary line of the Rancho Carbonero; thence west along the said produced southerly boundary line of the Rancho Carbonero to the southeasterly corner of the said Rancho Carbonero; thence westerly along the boundary of the Rancho Carbonero and the Rancho Cañada del Rincon to the east boundary of the Rancho Refugio; thence along the boundary of the Rancho Refugio south to the Pacific Ocean; thence due south into the said Pacific Ocean a distance of three marine miles; thence easterly and following the courses of the indentations of the said Pacific Ocean and of the Bay of Monterey to a point due south of and three marine miles from a point on the said Bay of Monterey 410 feet west of the section line between sections nineteen (19) and twenty (20), T. 11. R. 1. W., M. D. M.; thence due north to the point of beginning.

SECTION 2.—The City of Santa Cruz shall be divided into seven wards, bounded as follows:

Boundary of the First Ward.—That portion of the city beginning at the junction of the middle line of the San Lorenzo River with the middle line of Soquel Avenue; thence easterly along the middle line of Soquel Avenue to the centre of Ocean Street; thence northerly along the middle line of Ocean Street to the middle of Branciforte Creek; thence northeasterly along the middle line of Branciforte Creek and the westerly fork thereof to the north boundary of the Municipal Corporation; thence westerly along the north boundary of the Municipal Corporation to the middle of the San Lorenzo River; thence southerly along the middle line of the San Lorenzo River to the place of beginning, shall be and constitute the First Ward.

Boundary of the Second Ward.—That portion of the city beginning at the junction of the middle lines of Pacific Avenue and Locust Street; thence westerly along the middle line of Locust Street to the centre of Mission Street; thence southerly along the middle line of Mission Street to the centre of Walnut Avenue; thence westerly along the middle line of Walnut Avenue to where it leaves the boundary line of

the Rancho Tres Ojos de Agua; thence to and along the southerly boundary of the said Rancho northwesterly to the northwest corner thereof; thence along the southeasterly boundary of the lands formerly of Davis and Cowell, northeasterly to the north boundary of the Municipal Corporation; thence along the said north boundary easterly to the middle of the San Lorenzo River; thence southerly along the middle line of the San Lorenzo River to the centre of Water Street; thence westerly along the middle line of Water Street to the centre of Pacific Avenue; thence along the middle line of Pacific Avenue southerly to the place of beginning, shall be and constitute the Second Ward.

Boundary of the Third Ward.—That portion of the city beginning at the junction of the middle line of Water Street with the middle line of the San Lorenzo River; thence westerly along the middle line of Water Street to the centre of Pacific Avenue; thence southerly along the middle line of Pacific Avenue to its junction with the middle line of Locust Street; thence westerly along the middle line of Locust Street to the centre of Mission Street; thence southerly along the middle line of Mission to the centre of Laurel Street; thence easterly along the middle line of Laurel Street and the middle line of Laurel Street produced to the middle of the San Lorenzo River; thence northerly along the middle line of the San Lorenzo River to the place of beginning, shall be and constitute the Third Ward.

Boundary of the Fourth Ward.—That portion of the city beginning at the junction of the middle lines of California and Laurel Streets; thence southerly along the middle line of California Street to the centre of Bay Street; thence southeasterly along the middle line of Bay Street to the centre of Pacific Avenue; thence southerly along the middle line of Pacific Avenue to the Bay of Monterey; thence due south to the south boundary of the Municipal Corporation; thence westerly along the south boundary of the said corporation to the southwest corner thereof; thence northerly along the west boundary of the said corporation to northwest corner thereof; thence easterly along the north boundary of said corporation to the boundary line of the lands formerly of Davis and Cowell; thence along the southeast boundary line of the lands formerly of Davis and Cowell, southwesterly to the northwest corner of the Rancho Tres Ojos de Agua; thence southeasterly along the southerly boundary line of the Rancho Tres Ojos de Agua to the centre of Walnut Avenue; thence easterly along the middle line of Walnut Avenue to the centre of Mission Street; thence along the middle line of Mission Street southerly to the centre of Laurel Street; thence easterly along the middle line of Laurel Street to the place of beginning, shall be and constitute the Fourth Ward.

Boundary of the Fifth Ward.—That portion of the city beginning at the junction of the middle lines of California and Laurel Streets; thence southerly along the middle line of California Street to the centre of Bay Street; thence southeasterly along the middle line of Bay Street to the centre of Pacific Avenue; thence southerly along the middle line of Pacific Avenue to the Bay of Monterey; thence due south to the south boundary of the Municipal Corporation; thence easterly along the said south boundary of the said corporation to a point due south from the centre of the mouth of the San Lorenzo River; thence due north to the centre of the mouth of the San Lorenzo River; thence northerly and westerly along the middle of the San Lorenzo River to a point on the produced middle line of Laurel Street; thence westerly along the produced middle line and the middle line of Laurel Street to the place of beginning, shall be and constitute the Fifth Ward.

Boundary of the Sixth Ward.—That portion of the city beginning on the Bay of Monterey at the centre of the mouth of the San Lorenzo River; thence northerly along the middle line of the San Lorenzo River to the centre of Soquel Avenue; thence easterly along the middle line of Soquel Avenue to the centre of Ocean Street; thence southerly along the middle line of Ocean Street to the centre of Broadway; thence easterly along the middle line of Broadway and the middle line of Broadway produced to the easterly boundary of the Municipal Corporation; thence southwesterly along the easterly boundary of the said corporation to a point on the Bay of Monterey 410 feet west of the section line between sections nineteen (19) and twenty (20), T. 11. R. 1. W., M. D. M.; thence due south along the easterly boundary of the said corporation a distance of three marine miles to the southeasterly corner thereof; thence westerly along the southerly boundary of said corporation to a point due south from the centre of the mouth of the San Lorenzo River; thence due north to the place of beginning, shall be and constitute the Sixth Ward.

Boundary of the Seventh Ward.—That portion of the city beginning at the junction of the middle lines of Broadway and Ocean Street; thence easterly along the middle line of Broadway and the middle line of Broadway produced to the easterly boundary of the Municipal Corporation; thence northeasterly along the easterly boundary of the said corporation to the northeasterly corner thereof; thence westerly along the north boundary of the said corporation to the middle of the west fork of the Branciforte Creek; thence along the middle line of the West Fork of Branciforte Creek and the middle line of Branciforte Creek, southwesterly, to the centre of Ocean Street; thence southerly along the middle line of Ocean Street to the place of beginning, shall be and constitute the Seventh Ward.

ARTICLE II.

GENERAL POWERS.

The City of Santa Cruz shall continue vested with all the property of every kind now belonging to it and shall have power:—

First.—To have perpetual succession.

Second.—To have and use a corporate seal and to alter it at pleasure.

Third.—To institute and maintain all actions or suits that may be necessary, and to defend whatever actions or suits that may be instituted or prosecuted against it.

Fourth.—To purchase, have, receive, take, hold, lease, use and enjoy property of every kind and description both within and without the limits of said city and control and dispose of the same for the common benefit.

Fifth.—To receive bequests, devises and donations of property of every kind, either absolutely or in trust, for charitable or other purposes, and to do all acts necessary to carry out the purpose of such bequests, devises and donations and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.

Sixth.—To acquire, erect, construct and maintain public buildings, schools, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, workhouses, morgues, crematories, dispensaries, reading rooms, gymnasiums and charitable institutions, and to regulate the use of the same.

Seventh.—To acquire, improve and maintain public parks, cemeteries and sewer farms, to regulate the same and to exclude cemeteries from the limits of the city or any portion thereof, and to discontinue the same.

Eighth.—To acquire, construct and maintain water works, pipes, pipe lines, aqueducts and hydrants for supplying the city and its inhabitants with water, and the right to supply water to persons who live without the city limits.

Ninth.—To acquire, construct and maintain gas and electric works for the purpose of supplying the city and its inhabitants with light, heat and power.

Tenth.—To acquire, construct and maintain works for supplying the city and its inhabitants with telephonic and telegraphic service.

Eleventh.—To acquire, construct and maintain, and operate street railways and other means of public conveyance, together with all rolling stock, power houses, equipment, appliances and apparatus necessary and proper in the operation, management and control of the same.

Twelfth.—To acquire, have, hold, construct and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of all pipes, tubes, conduits, wires and electric or telegraphic apparatus in, along, over, under, and across all public streets and highways; to require all telegraph and electric wires to be placed underground, and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.

Thirteenth.—To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights, and water works, within or without the corporate limits, necessary or convenient for the use of the city or its inhabitants.

Fourteenth.—To construct and maintain sewers, drains, and all other works necessary for the disposition of sewage and to construct and maintain garbage crematories and other works for the disposition or destruction of garbage.

Fifteenth.—To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, surface, resurface, and improve streets, alleys, sidewalks, crossings and other highways and public squares, parks and places and to make provisions for cleaning and sprinkling the same.

Sixteenth.—To require the owners of real property in the city to remove grass, weeds and obstructions from the sidewalks in front of their property and, upon their refusal, failure or default, to cause such work to be done and the cost thereof to be made a lien upon said property, or otherwise to be recovered from such owners.

Seventeenth.—To set apart and dedicate as a boulevard or boulevards any street or streets or portions of a street or streets of the city.

Eighteenth.—To levy and collect taxes, upon all property subject to taxation, for municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of prinicipal or interest on any bonds of the said city or for school purposes, shall not exceed one dollar on each one hundred dollars' worth of taxable property in said city except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, extending and improving of streets, alleys, sidewalks, crossings, and other highways and public squares, parks and places, and the construction of sewers, and the laying of water, gas, and other pipes and conduits.

Nineteenth.—To create, subject to the restrictions and limitations of the Constitution and General Laws of the State of California and of this charter, indebtedness not to exceed in all, fifteen per centum of the assessed value of all the real and personal property in the said city subject to assessment for taxation for municipal purposes, to pay the costs of municipal improvements, the acquisition of public utilities or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy;

provided, however, that no indebtedness shall be incurred by contract, bonds or otherwise that shall require a tax levy in any one year in excess of the one dollar limit fixed by this charter for general municipal purposes, of more than fifty cents on each one hundred dollars of the assessed valuation of the taxable property of said city at the time said indebtedness is incurred, to meet the payments of the principal of such indebtedness.

Twentieth.—To levy taxes exceeding the limit otherwise permitted in this charter; *provided*, that before such levy can be made, the proposition to make such a levy shall have been first approved by two thirds of the qualified electors voting at a general or special city election at which said proposition is submitted by the City Council.

Twenty-first.—To license for the purpose of regulation and revenue, and to regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations and kinds of business carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades, callings, occupations and kinds of business in said city and to provide for the manner of enforcing the payment of such license taxes; and to regulate, restrain, suppress, or prohibit hawking and peddling and the carrying on of any laundry, livery and sale stable, cattle or horse corral, pigsty, planing mill, rolling mill, oil well, tank or refinery, foundry, brick yard, slaughter yard, butcher shop, and the keeping of bees, cattle, poultry, pigeons or swine within the limits or within any designated portion of said city, and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, and any and all obnoxious, offensive, immoral, indecent, or disreputable place or practices within said city, and to regulate or prohibit all saloons, bars, bar rooms, or other places where spiritous, malt, vinous, or other intoxicating liquors are sold or given away.

Twenty-second.—To license for the purpose of regulation and revenue, all and every kind of business not prohibited by law and transacted and carried on in said city, and all shows, exhibitions and lawful games carried on therein, and to fix the license tax upon the same, and to provide for the collection thereof, and to collect the same by civil action or otherwise.

Twenty-third.—To organize and maintain police and fire departments.

Twenty-fourth.—To make, adopt and enforce all necessary rules and regulations for the prevention of fires, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed necessary or expedient to maintain the public peace and safety, protect property, promote the public morals and preserve the health of the inhabitants of the city.

Twenty-fifth.—To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitro-glycerine, fire-works and other explosive substances and materials.

Twenty-sixth.—To regulate the storage of oil, hay, straw and other inflammable material within the city.

Twenty-seventh.—To regulate the use of oil, steam and gas engines and steam boilers within said city.

Twenty-eighth.—To prescribe fire limits and to determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the alteration or repair of existing buildings within said fire limits.

Twenty-ninth.—To regulate the size and construction of the entrances to, and exits from theaters, lecture rooms, churches and other public buildings and to prohibit the placing of seats or other obstructions in the aisles and open spaces in such buildings.

Thirtieth.—To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure and unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depths of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bathrooms, water-closets, privies and vaults, the manner of construction and materials used in wiring building or other structures for the use of electricity for lighting, power or other purposes, and the manner of construction and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to prohibit the construction of buildings and other structures that do not conform to such regulations.

Thirty-first.—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

Thirty-second.—To provide for the care of the sick and helpless and to make regulations to prevent the spread of infectious and contagious diseases.

Thirty-third.—To provide for the care, feeding and clothing of all persons imprisoned by municipal authority or sentenced to imprisonment by the Police

Court, and to provide that all such persons shall work upon the streets or do other public work.

Thirty-fourth.—To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing, or maintaining such nuisances, and to prohibit offensive and unwholesome business or other establishments within the city.

Thirty-fifth.—To declare that any business run or maintained contrary to the provisions of any ordinance of the city or of the general laws of the State, is a public nuisance, and to provide for the abatement or removal of such nuisance, and for this purpose to summarily take and hold any personal property thus used in violation of law.

Thirty-sixth.—To make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; *provided, however*, that such fine shall not exceed the sum of five hundred ($500.00) dollars and such imprisonment shall not exceed six months. Such misdemeanors may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action at the option of said authorities.

Thirty-seventh.—To establish pounds and pound districts which shall be under the supervision and control of a poundmaster, and to restrain the running at large of poultry, horses, mules, cattle, swine, sheep, goats and other animals, and to authorize the destruction or sale of the same.

Thirty-eighth.—To regulate the speed of railroad trains, engines, electric cars, automobiles and all other vehicles in the city, and to require railroad companies either to station flagmen, or place gates or viaducts at all such streets as it may deem necessary.

Thirty-ninth.—To grant franchises.

Fortieth.—To create offices other than those established by this charter or by the general law, whenever the public convenience or necessity may require the same, and to prescribe the duties pertaining to the offices thus created, and to provide for the election, appointment and removal of such officers, and to fix their compensation.

Forty-first.—To provide for holding municipal elections, give notice thereof, establish and alter election precincts, appoint all election officers and provide for their compensation.

Forty-second.—To do and perform whatsoever is necessary and convenient for its own government and for the benefit of its inhabitants, and to do any act which the City Council is by this charter, or by any law now or hereafter in force authorized to do; *provided*, that the question of acquiring by lease, purchase or construction any plant or property for the purpose of supplying any public service or commodity, not previously supplied to its inhabitants by the City of Santa Cruz, shall be submitted to the voters of the city in the same manner as other propositions, at a general or special election, and such property or plant shall not be acquired unless a majority of the electors, voting at such election, shall vote in favor of such proposition. It is, however, expressly provided that nothing herein contained shall be construed as requiring an election to vote on a proposition to acquire any property or expend any money, for the purpose of extending, or developing any property or plant now owned or operated by the city, or which it may, in accordance with the provisions of this charter, acquire in the future.

Forty-third.—To remove all obstructions from the streets and sidewalks of said city and to remove all porches or other structures extending over any sidewalk or portion thereof within the city.

Forty-fourth.—To adopt and enforce ordinances, resolutions and orders not repugnant to the Constitution of the United States, the Constitution of the State of California or the general laws thereof, or the provisions of this charter, and to establish all such measures and regulations, in case no express provision therefor is in this charter made, as the City Council may from time to time deem expedient and necessary for the promotion and protection of the peace, health, comfort, safety, life, happiness and welfare of the inhabitants of the city, the protection of property, the preservation of good order, the promotion of good morals, and the suppression of vice within the city.

ARTICLE III.

OFFICERS.

SECTION 1.—The officers of the city shall be:—

A Mayor,
Seven members of the City Council,
A City Treasurer, who shall be ex-officio City Tax and License Collector,
A City Clerk, who shall be ex-officio City Assessor,
A Police Judge,
A City Attorney,
A Chief of Police,
A Superintendent of Streets and Parks,
Three members of the Board of Education,
Three members of the Board of Health,

Five Library Trustees,
A Superintendent of Water Works,
An Inspector of Plumbing and Construction,
A City Engineer and Surveyor,
A City Electrician,
A Chief of the Fire Department,
A Superintendent of Schools,
A Health Officer.

SALARIES.

SECTION 2.—The officers of the city in this section named shall receive in full compensation for all services of every kind rendered by them in their respective offices, except as hereinafter provided in this charter, the following yearly salaries, payable in equal monthly installments, viz:

City Treasurer and Collector,	$1200.00
City Clerk and Assessor,	1200.00
Police Judge,	600.00
Chief of Police,	1200.00
City Attorney,	1200.00
Superintendent of Streets and Parks,	1200.00
Superintendent of Water Works,	1200.00

SECTION 3.—No officer of the city shall be compensated by fees or commissions, but only by fixed salary payable monthly.

SECTION 4.—In all cases not otherwise provided for in this charter, the City Council shall, by ordinance fix the salaries or compensation of officers and employés of the city.

BONDS OF OFFICERS.

SECTION 5.—All officers of the city, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company, and the premium charged shall be paid by the city.

SECTION 6.—The City Council may at any time, require an additional bond whenever any official bond may be deemed insufficient, and upon failure on the part of any officer to furnish a satisfactory bond at the request of the City Council, his office shall be declared vacant, and as soon as such declaration is made, the office becomes vacant.

SECTION 7.—The amount in which the respective officers shall execute official bonds shall be as follows, to-wit:

City Treasurer and Collector,	$20,000.00
City Clerk and Assessor,	2,000.00
Superintendent of Streets and Parks,	2,000.00
Superintendent of Water Works,	2,000.00
Inspector of Construction and Plumbing,	2,000.00
Police Judge,	1,000.00
Chief of Police,	1,000.00
City Attorney,	1,000.00
City Engineer and Surveyor,	1,000.00
City Electrician,	1,000.00
Policemen, each,	1,000.00

SECTION 8.—The City Council shall have power to require bonds from any other officers or employés of the city whenever deemed necessary.

SECTION 9.—The bond of the City Clerk shall be filed with the Mayor, and all other bonds shall be filed with the City Clerk.

VACANCIES.

SECTION 10.—If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty days without the consent of the City Council, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connection with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than twenty days without the consent of the City Council, his office shall thereupon be declared vacant by the City Council, if the office be an elective one, and by the Mayor, with the approval of the City Council, if the office be an appointive one, unless otherwise provided for in this charter.

SECTION 11.—Any vacancies occurring in any of the elective or appointive offices provided for in this charter, except as otherwise herein provided, shall be filled by appointment by the Mayor, by and with the consent of the City Council, until the next regular city election, at which time in the case of an elective officer, a successor shall be elected.

SECTION 12.—All elective officers of the city shall be citizens of the State of California, and shall have been residents and qualified electors of the territory embraced within the present boundaries of the City of Santa Cruz, for a period of at least three years next preceding the day of their election to office.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Mayor.

SECTION 1.—The chief executive officer of the city shall be designated the Mayor. He shall be not less than thirty years of age and must have been a resident and qualified elector of the city for three years immediately preceding his election. He shall preside at all meetings of the City Council, but shall not be entitled to vote. He shall sign all warrants ordered drawn upon the City Treasurer by the City Council, and shall sign on behalf of the city all contracts entered into by said city. He shall sign all conveyances authorized by the City Council and acknowledge the execution of the same. He shall, at least once a month, together with the Chairman of the Finance Committee and the City Clerk, count the cash in the city treasury and see that it corresponds with the books of the City Treasurer and City Clerk, and the result of such count shall be reported to the City Council and posted conspicuously in both the City Treasurer's and City Clerk's offices.

SECTION 2.—The Mayor shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly watch the official conduct of all public officers, and take notice of the fidelity and exactitude or the want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of public funds and property. The books and official papers of the departments, boards, officers and persons in the service or employ of the city, shall at all times be open to his inspection and examination. He shall take especial care to see that the books, and records of said departments, boards, officers and persons are kept in a legal and proper form. Any officer refusing to submit to or permit an examination of the books and records in his office by the Mayor or any one appointed by the Mayor and City Council for that purpose, or who purposely delays or impedes the same may be suspended from office by the Mayor and removed from office for malfeasance. The Mayor shall have a general supervision over all departments and public institutions of the city, and shall see that they are honestly, economically and lawfully administered. Any defalcations or willful neglect of duty, or any official misconduct which he may discover or which may be reported to him, shall be laid before the City Council, in order that the public interests may be protected and the person at fault be proceeded against according to law. He shall from time to time give to the City Council, information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial.

SECTION 3.—The Mayor shall take all proper measures for the preservation of public order and the suppression of all riots and tumults.

SECTION 4.—The Mayor shall appoint all officers of the city, whose election or appointment is not otherwise specifically provided for in this charter or by law, such appointments to be confirmed by the City Council.

SECTION 5.—The Mayor shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts either in whole or in part. The Mayor shall have a general supervision of all city officers whether elected or appointed. He shall discharge such other duties and do such other things as are required of him by any provisions of this charter or by the general laws of the State.

SECTION 6.—When and so long as the Mayor is temporarily unable to perform his official duties, the City Council shall elect one of their number to act as Mayor *pro tempore*, who shall retain his right to vote. When a vacancy occurs in the office of Mayor, it shall be filled by appointment for the unexpired term, by the City Council assembled for that purpose. A member of the City Council, during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

City Treasurer and Collector.

SECTION 7.—The City Treasurer shall receive and safely keep all moneys that shall come to the city from taxation or otherwise, and pay the same out on demands properly audited, in the manner provided by this charter, and without such auditing he shall disburse no public money whatsoever. He shall keep an accurate account of all receipts and disbursements under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the City Council of all receipts and disbursements of the preceding month, and shall do all things required of him by law, the provisions of this charter and the ordinances of the city.

SECTION 8.—The City Treasurer shall not, under any circumstances, loan to any person or corporation whatever any of the money of the city.

SECTION 9.—As Tax Collector, he shall receive and collect all city taxes, general and special; also licenses and all other branches of city revenue whatsoever, except as otherwise provided in this charter. He shall keep proper books showing accounts of all moneys collected by him, and all transactions of his office, which shall be properly indexed, and shall at all proper times be open to public inspection. He shall pay all moneys collected by him in his official capacity into the city treasury daily. He shall do and perform such other duties as may be required of him by law, the provisions of this charter or the ordinances of the city.

City Clerk and Assessor.

SECTION 10.—The City Clerk shall have custody of, and be responsible for the corporate seal, all books and papers, records and archives belonging to the city, not in actual use by other officers or committed to the custody of said officers by provisions of this charter or by ordinances of the city. He shall be present at each meeting of the City Council and of the Board of Equalization and keep a correct record of their proceedings. He shall keep separate books, in which respectively, he shall record all ordinances, contracts, and official bonds. He shall attest the signature of the Mayor and shall have power to take affidavits and administer oaths in all matters relating to the business of the city, but shall make no charge therefor.

SECTION 11.—The City Clerk shall keep a record of all demands against the city allowed by the City Council, and against the Library Fund allowed by the Board of Library Trustees, and approved by the Mayor, the name of the original holder, amount, date of allowance, on what account incurred, and out of what fund payable. He shall correctly compute the amount of the several taxes of the assessment roll in accordance with the levy made by the City Council and certify the same before turning the roll over to the Tax Collector. He shall upon the application of any person indebted to the city, or any officer or person holding any money payable into the city treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund to be applied and by whom to be paid; he shall, upon order of the City Treasurer directing him to issue a receipt to the person paying money into the city treasury, charge the City Treasurer with the amount and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys at any time in the city treasury, not otherwise by law or ordinance specifically apportioned or appropriated, and forthwith notify the City Treasurer of such apportionment. He shall countersign all licenses and permits issued to any officer whereon any money is to be paid to such officer for the use of the city and shall charge such officer with the proper amount. No license or permit shall be valid unless countersigned by him. He shall at the first meeting in each month, and oftener if required, present a report, to the City Council, of the condition of each fund in the treasury of the city. He shall at the first meeting of the City Council in January and July of each year, present a report showing the amount of and sources from which the revenue of the city was derived, how expended and the unexpended balance in each fund. He shall keep a full and complete set of books, in which shall be set forth in plain and business-like manner every money transaction of the city so as to show at any time the exact condition of the finances of the city.

SECTION 12.—The City Clerk shall countersign all warrants drawn upon the City Treasurer signed by the Mayor. He shall prescribe a system of books and records to be kept by each department of the city government, and forms of monthly reports to be made to the City Council by the several departments. Such system of books, records and forms shall be submitted to the City Council for approval, and after approval they shall continue in force until otherwise ordered by the City Council. He shall perform such other duties as are required of him by law, this charter, or the ordinances of the city.

SECTION 13.—As Assessor, he shall perform all duties prescribed by this charter, or by the laws of the State of California, for assessing property in the city for purposes of taxation, and shall collect such taxes upon personal property as by law or this charter are required to be collected by the Assessor; *provided, however*, that the City Council shall have authority to avail itself of the provisions of any Act of the Legislature of the State of California requiring County Assessors to make assessments for cities or to furnish copies of assessments of property situated therein, to said cities.

City Attorney.

SECTION 14.—The City Attorney shall have been duly admitted to practice his profession by the Supreme Court of the State of California. He shall prosecute, on behalf of the people, all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits, matters, and proceedings in which the city may be legally interested; *provided*, the City Council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the City Attorney therein. The City Attorney shall be present at all regular meetings of the City Council and shall give his advice or opinion in writing whenever requested so to do by the City Council or any of the boards or officers of the city. He shall approve the form of all bonds given to and all contracts made by the city, endorsing his approval thereon in writing. He shall, whenever required by the City Council or any member thereof, draft any and all proposed ordinances for the city and amendments thereto; and shall do and perform all such things touching his office as the City Council or the Mayor shall require of him. On vacating his office he shall surrender all books, papers, files and documents pertaining to the city business to his successor.

Chief of Police.

SECTION 15.—The Chief of Police shall, under the direction of the Mayor and City Council, have the supervision of the police force of the city. He shall rigidly enforce the laws, ordinances, rules and regulations prescribed by this charter or by the Mayor and City Council, and shall discharge such other duties as the City Council may require.

Superintendent of Streets and Parks.

SECTION 16.—The Superintendent of Streets and Parks shall see that the laws, ordinances, orders and regulations relative to public streets and parks are fully carried into execution and that the penalties for breaches thereof are rigidly enforced. He shall, under the direction of the Mayor and City Council, superintend the construction and repair of streets, and bridges, and the cleaning and sprinkling of streets and the flushing of sewers; he shall have the general care of, and must frequently inspect the same, approve or reject all materials used in the construction or repair of streets and bridges, whether done by contract or otherwise, and shall report to the City Council all deviations from contracts and specifications, or the use of improper materials, or of bad workmanship. He shall perform such other services as are required of him by this charter, the ordinances of the city or the general laws of the State.

Inspector of Plumbing and Construction.

SECTION 17.—The Inspector of Plumbing and Construction shall be a citizen of the State and a resident and qualified elector of the city. He shall be a regularly licensed plumber and shall be appointed by the Mayor and his appointment confirmed by the City Council, and shall hold office at the pleasure of the City Council. He shall see that all laws, ordinances, orders and regulations relating to the construction and locations of drains and sewers, the materials used in and the thickness of party walls, partition walls, and outside walls, the thickness and construction of chimneys, the construction and character of bath-rooms, water-closets, privies and vaults, the manner of construction and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner of construction and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, are rigidly enforced and fully complied with. He shall issue permits for all connections made with public sewers or drains and all plumbing of buildings and the drainage thereof, whether the buildings be public or private, shall be executed in accordance with plans previously filed with and approved by him. He shall examine all plumbing work before the same is covered up or closed and if found to be in accordance with the plumbing ordinance and the plans and specifications filed he shall issue a certificate to that effect, and upon the satisfactory completion of the work, he shall issue a final certificate. He shall perform such other duties as the City Council may prescribe.

City Engineer and Surveyor.

SECTION 18.—The City Engineer and Surveyor shall be a citizen of the State and a resident and qualified elector of the city. He shall be appointed by the Mayor and his appointment confirmed by the City Council. He shall hold office at the pleasure of the City Council. The City Engineer and Surveyor shall perform all the engineering and surveying required in the carrying on of the public works and improvements done under the direction of the City Council or any department of the city government. He shall prepare all plans and specifications for contemplated constructions, improvements, repairs and alterations when ordered so to do by the City Council. He shall be the custodian of, and be responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall have the final decision, unless otherwise provided by ordinance, as to the proper locality and height of telegraph, telephone, electric light and other poles, as well as the proper alignment and height above the ground of all telegraph, telephone, electric and other wires, the depth below the surface and alignment of all gas, water, sewer and other pipes and conduits, and the grade and proper alignment of all street railroads and tracks. He shall do and perform such other duties as may be required of him by this charter, the ordinances of the city or the orders of the City Council.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION 1.—The legislative power of the city shall be vested in a City Council of seven members; *provided, however*, that such legislative power shall be exercised subject to the veto power of the Mayor as in this charter provided.

SECTION 2.—Members of the City Council shall be nominated and elected from the respective wards of the city. Each member of the City Council shall have been a citizen of the State and a resident and qualified elector of the city for a period of at least three years, immediately preceding the day of his election. The members nominated and elected from the wards shall be residents of the wards from which they are nominated and elected.

SECTION 3.—Members of the City Council elected under this charter shall hold office for two years and until their successors are elected and qualified.

SECTION 4.—The Mayor shall preside at all meetings of the City Council and may take part in the deliberations of said City Council but shall not have the right to vote. In the absence of the Mayor the City Council shall choose one of its own members to preside, who shall retain the right to vote upon all questions under consideration and shall have the same power to disapprove any order made by the City Council, and with like effect, as the Mayor would have if present at the meeting.

The member thus appointed to preside, shall be designated the President of the City Council and in the event that the Mayor, for any reason, is temporarily unable to perform his official duties, the President of the City Council shall act as Mayor pro tempore.

SECTION 5.—Four members of the City Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or compel the attendance of other members in such manner and under such penalties as the City Council may prescribe. No order except to adjourn for lack of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receive the affirmative vote of four members.

SECTION 6.—Ordinances and resolutions are the formal acts of the City Council, reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts, which, being less formal in character, require only to be duly passed by the City Council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the Mayor, except as herein provided. In the case of orders the approval of the Mayor shall be presumed, unless at the same meeting at which the order was passed the Mayor causes his disapproval, together with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances, after passage by the City Council must be submitted to the Mayor, who shall, within five days after he has received the same, endorse his approval or disapproval thereon, giving the reason for his disapproval. No ordinance or resolution shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, unless by unanimous consent of all the members present, and every ordinance and resolution to be valid must be passed by an affirmative vote of not less than four members of the City Council and be approved by the Mayor; *provided, however*, that if the Mayor disapprove any resolution or ordinance within the time herein provided, it may be passed by the affirmative vote of not less than five members of the City Council and then shall be as valid as if approved by the Mayor.

SECTION 7.—The enacting clause of all ordinances shall be, "The Mayor and City Council of the City of Santa Cruz ordain as follows."

SECTION 8.—All meetings of the City Council shall be public, and a journal of its proceedings shall be kept by the City Clerk under its direction, and the ayes and noes shall be taken and entered in the journal on the final action of the City Council in the granting of franchises, in the authorization of contracts, in the ordering of work to be done or supplies to be furnished, in the ordering of assessments for street improvements, or the building of sewers, the passage of any ordinance, and in all other cases upon the call of any member.

SECTION 9.—The City Council shall have the power to fix the time and place of its meetings, to compel the attendance before it of witnesses, and the production of papers in any matter under investigation, to judge of the qualification and election of its own members, and to punish any member or other city officer, by a fine not exceeding fifty dollars, for disorderly or contemptuous behavior in its presence.

SECTION 10.—The City Council shall have the power to suspend any officer of the city pending trial against whom any criminal proceeding or any civil action for the recovery of any money due the city has been commenced, and the Mayor shall appoint a substitute for such officer during the time of his suspension. In voting upon the suspension or removal of officers the City Council shall vote by ayes and noes, and the same shall be taken and entered upon the journal.

SECTION 11.—The City Council shall have power to adopt by ordinance at any time any provision made by the general law of the State of California for the levy and collection, or either of them, of city taxes by and through the officers of the county.

SECTION 12.—The City Council shall have the power to make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, the Constitution or general laws of the State of California, or the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of all and singular the powers vested in the city and for the carrying into effect all and singular the provisions of this charter.

SECTION 13.—All resolutions and ordinances of the city now in force and not inconsistent with the provisions of this charter shall remain in force until amended or repealed.

ARTICLE VI.

THE JUDICIAL DEPARTMENT.

SECTION 1.—The judicial power of the city shall be vested in a Police Court and shall be presided over by a Police Judge.

SECTION 2.—The Police Judge shall have the powers of examining magistrates and may commit offenders for trial in the proper courts. He shall have exclusive jurisdiction of the criminal proceedings for the violation of any city ordinance and of all civil actions and proceedings arising out of the violation of such ordinances and for the collection of any license required by any city ordinance, except such actions and proceedings as are within the jurisdiction of other courts under the provisions of the general laws of the State. He shall have the same jurisdiction in criminal cases as that which is conferred by the laws of the State upon Justices of

the Peace, and all laws of the State relating to criminal matters applicable to Justices of the Peace of Justices Courts are made applicable to the Judge of the Police Court.

SECTION 3.—The Police Judge shall have the power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the city. The judgment may be in the alternative, imposing of fine, or providing imprisonment for non-payment thereof; or it may be for the payment of a fine, and imprisonment. In case of imprisonment for the non-payment of a fine, such imprisonment shall be one day for each two dollars of the fine imposed. He shall also have the power to require any person adjudged to be guilty of and fined for any offense to work out the fine by working upon the public streets or other public work of the city.

SECTION 4.—In any case of imprisonment, it shall be in the city prison of the City of Santa Cruz or in the county jail of Santa Cruz County. The Police Court shall have concurrent jurisdiction with the Justices Court of Santa Cruz Township in all civil cases arising within said city which might be tried by the Justices Court of Santa Cruz Township. And in all such cases he shall have the power to issue writs, summons and all papers of every kind and character which Justices of the Peace might issue in similar cases.

SECTION 5.—Appeals may be taken to the Superior Court from any judgment entered by the Judge of the Police Court in the same manner as is proper by law for appeals from Justices Courts. All provisions of the Code of Civil Procedure relating to appeals from Justices Courts are applicable to appeals from the judgments of the Police Court.

SECTION 6.—The Police Judge shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as Justices of the Peace.

SECTION 7.—The Police Judge shall have a seal, on which shall be engraved the arms of the State and the words "Judge of the Police Court of the City of Santa Cruz."

SECTION 8.—All warrants, writs, summons and other papers issued by said Police Judge may be directed to the Chief of Police or to any Sheriff or Constable, who shall serve and return the same in all respects as if issued by a Justice of the Peace.

SECTION 9.—The Police Judge shall keep a docket, which said docket, together with all necessary blanks, books and other papers necessary in the transaction of the business of the said Police Court shall be furnished by the City of Santa Cruz.

SECTION 10.—The Police Judge shall keep a complete record of all cases brought before or tried in the Police Court and shall enter the same in the docket of said Court. Separate dockets shall be kept for the civil and criminal business.

SECTION 11.—The Police Judge shall make reports to the City Council quarterly, or oftener if required by said City Council.

SECTION 12.—The City Council may, by ordinance further define the duties of the Police Judge.

SECTION 13.—All fines imposed and collected by the Police Judge shall be paid into the city treasury on or before the last day of each month.

SECTION 14.—In all civil cases brought before or tried by the Police Judge, he shall be entitled to charge the same fees as are allowed by law to Justices of the Peace in similar cases, and all said fees when collected shall be paid into the city treasury on or before the last day in each month.

SECTION 15.—The Police Court shall always be open for the transaction of business.

SECTION 16.—In all cases to which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree or is otherwise disqualified, and when by reason of sickness or other cause he is unable to act, the said Judge may call in any Justice of the Peace of Santa Cruz County to hold such Police Court in his place and stead.

SECTION 17.—No person shall be eligible for the office of Police Judge unless he shall be a duly licensed Attorney of the Supreme Court of the State of California.

ARTICLE VII.

REVENUE AND TAXATION.

SECTION 1.—On or before the first Monday in July of each year the several heads of departments, officers, boards and commissions shall send to the City Council an estimate in writing of the amount of expenditures specifying in detail the object thereof, required in their respective offices, departments, boards and commissions for the fiscal year commencing on the first day of said month of July. Duplicates of these estimates shall be filed with the City Clerk.

SECTION 2.—On or before the second Monday in July of each year, the City Assessor shall complete the list or assessment roll, and shall attach his certificate thereto and deliver it and the books and maps he may have accompanying the same and all of the original lists of property given to him, to the City Clerk; *provided*, that the City Council may empower the City Assessor to substitute for a list or assessment roll compiled by himself, a certified copy of the County Assessor's assessment roll of the City of Santa Cruz, said action of the City Council to be in accordance with the provisions of the general law of the State regulating the procedure.

SECTION 3.—Upon the delivery of the assessment roll to the City Clerk, the City Council shall, after ten days notice given to the tax payers by publication of such notice in a daily newspaper published in the city, sit and act as a Board of Equalization, and shall have as regards the equalization of said lists or assessment roll, powers similar to those conferred by law upon the Board of Supervisors of Santa Cruz County as a Board of Equalization of County Taxes.

SECTION 4.—The meetings of the Board of Equalization shall be public. The said Board shall have power to increase or diminish the amount of any assessment on said lists or assessment roll, both as to real and personal property; *provided*, that before any assessment shall be increased, due notice shall be given to the owner or owners of the property, the assessed value of which it is proposed shall be increased, and such owner or owners shall have the right to be heard before said Board, under oath. When such assessment roll or list shall have been equalized, it shall be returned to the City Clerk.

SECTION 5.—On or before the first Monday in August in each year the City Clerk shall prepare and transmit to the City Council an estimate of the probable expenditure of the city for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts, if any, together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the city treasury. The estimate shall show, also, what amount of income and revenue is likely to be collected from fines, licenses and all other sources of revenue exclusive of taxes upon property; and shall set forth the probable amount that will be required to be levied and raised by tax upon all the property of the city to meet the requirements of the fiscal year.

SECTION 6.—The City Council shall, annually on or before the first Monday in September and by a majority vote of all the members thereof, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the fiscal year. The budget shall, when completed by the City Council be delivered to the Mayor, who may within five days after the delivery to him veto any item in said budget either in whole or in part, and it shall require the vote of at least five members of the City Council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the Mayor and the City Clerk and the several sums shall then be so appropriated for the fiscal year to the several purposes and departments therein named.

SECTION 7.—The City Council may appropriate in the aggregate, during each year, not to exceed one thousand dollars ($1000.00) in order to reimburse the Mayor or the members of the City Council for expenses incurred or moneys expended by any of the said officers for, or on behalf of the City of Santa Cruz for which no other funds of the City of Santa Cruz are legally available, but no money shall be paid out of this appropriation unless authorized by a vote of four members of the City Council other than any claimant or claimants for such expenses incurred or moneys expended, and approved by the Mayor. In the event that the Mayor withholds his approval, the votes of five members of the City Council, other than the claimant or claimants for such expenses incurred or moneys expended, may overcome the veto and cause a payment to be made from this fund. In the event of the Mayor being the claimant, a vote of five members of the City Council in favor of such claimant shall be sufficient to cause a payment to be made from this fund.

SECTION 8.—The City Council must cause to be raised annually according to law and collected by tax the amounts so appropriated less the amounts received from fines, licenses and other sources of revenue.

SECTION 9.—The following funds of the City of Santa Cruz, representing the several departments requiring municipal expenditure, are hereby established and created, viz: General Fund, Street Fund, Fire Department Fund, Sewer Fund, Library Fund, River and Water Front Improvement Fund, Park Fund and Water Fund; *provided*, that such other funds as may be deemed necessary may hereafter from time to time be created and established by the City Council by ordinance.

SECTION 10.—The said City Council shall, on the third Monday in September in each year, by ordinance, fix the rate of city taxes, designating the number of cents on each one hundred dollars of property levied for each fund, and shall levy the city taxes upon all taxable property in the city both real and personal, *provided*, that the rate of taxes thus levied for all municipal purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all the real and personal property within said city.; *provided further*, that the taxes thus levied shall be used, when collected, only for municipal purposes, and for the proper support of the city government, except as provided in Section 7 as above.

SECTION 11.—The City Council shall have the power, and it shall be its duty to provide for the assessment and collection of all city taxes, and for the sale of property for delinquent taxes. The manner of making the assessment and collection of city taxes shall conform as nearly as possible with the provisions of the law of the State of California in relation to the assessment and collection of State and county taxes; *provided*, that taxes on real proprety shall be due and delinquent at the same time that State and county taxes are due and delinquent, and that all sales for delinquent city taxes shall be made to the City of Santa Cruz.

SECTION 12.—All licenses, unless otherwise ordered by the City Council shall be apportioned to the general fund; and all taxes and licenses herein authorized to be collected, shall be collected in the same currency as may be prescribed in reference to State and county taxes.

SECTION 13.—Whenever it has been determined in accordance with the provisions of this charter that the public interest or necessity demands the acquisition, construction or completion of any municipal buildings, bridges, sewers, water rights, water works, reservoir sites, rights of way for pipes, aqueducts, flumes or other conduits, gas or electric light works, or any other property or appliances suitable or proper for supplying said city and its inhabitants with utilities or for making public improvements, the cost of which will be too great to be paid out of the ordinary income or revenue of the city, the City Council may contract bonded indebtedness for said purposes, or any of them, and the proceedings taken for the incurring of such indebtedness shall be in accordance with the mode and manner prescribed by the general laws of the State of California, relative to incurring bonded indebtedness by municipalities, in force at the time such proceedings are taken.

SECTION 14.—Whenever the owners of the major part of the taxable property of the city, according to its valuation upon the last preceding assessment roll, shall make written request or application to the Mayor and City Council for an expenditure of not exceeding ten thousand dollars for any purpose authorized by law, in excess of the revenue of the city, for such purpose in the then fiscal year, the Mayor and City Council shall have the power, after having the said application spread upon the minutes, to incur such expenditure, although in excess of the revenue of the city for the then fiscal year, and shall provide for the payment of the same as directed in the application, by the levy of a special tax for the same or the succeeding fiscal year; *provided*, that the special taxes thus levied shall, for no one year, be more than one-half of one per cent, upon the valuation of the real and personal property as shown by the last assessment roll of the city. All special taxes ordered to be levied and collected shall be so levied and collected in the manner, form and ways prescribed for the levying and collecting of the general taxes of the city.

ARTICLE VIII.

CLAIMS AND DEMANDS.

SECTION 1.—Except as otherwise provided in this charter all demands payable out of the city treasury must be approved by the City Council and the Mayor.

SECTION 2.—All claims and demands against the City of Santa Cruz, shall be paid only as herein provided for.

SECTION 3.—Except as hereinafter provided all claims and demands, duly verified, shall be presented to the City Council on forms to be supplied by the City Clerk. The City Council shall consider the said claims or demands and shall, if the same be just and legal, approve the same, or may, if it so determine approve in part or reject the whole. The action of the City Council shall be endorsed on said claims or demands, with the date of such action and shall be certified by the City Clerk.

SECTION 4.—Any claim or demand, approved by the City Council, in whole or in part, shall be delivered to the Mayor who shall approve the same, in whole or in part, or reject the same, and shall endorse such approval or rejection upon said claim or demand, with the date of such action; *provided*, that the Mayor shall have no power to approve a claim or demand for a larger sum than that for which it is approved by the City Council. If the Mayor approve only for part or for an amount less than that approved by the City Council, or reject any such claim or demand, he shall return the same to the City Clerk with his objections in writing attached thereto.

SECTION 5.—Every claim and demand shall be numbered and acted upon by the City Clerk in the order of its presentation to him; and when allowed, either in whole or in part, it shall be numbered and entitled to payment in the same order as allowed.

SECTION 6.—All demands payable out of the Library Fund must, before they can be approved by the Mayor, or be paid, be previously approved by the Board of Library Trustees by a vote of three members thereof, taken by ayes and noes, and spread on the minutes of said Board, and the action of said Board together with the date of such action shall be endorsed on said demands, and they shall be signed by the presiding officer and secretary or acting secretary of said Board. After the approval of said demands, as herein provided, they shall be delivered to the City Clerk and be presented by him to the Mayor for his consideration and approval.

SECTION 7.—Any demand returned to the City Council with the objections of the Mayor, shall again be considered by the City Council, and if said demand shall again be approved by a vote of at least five members of the said City Council, and has been endorsed and certified as required by Section three of this Article, the said objections shall thereby be over-ruled. Any demand returned to the Board of Library Trustees with the objections of the Mayor, shall again be considered by said Board and if said demand be again approved by a vote of at least four members of said Board, the said objections of the Mayor shall thereby be over-ruled.

SECTION 8.—No demand shall be approved by any board or officer, audited or paid, unless it specify each several item, with the date and amount thereof.

SECTION 9.—No payment shall be made from the city treasury or out of the public funds of the city, unless the same be specially authorized by law or the provisions of this charter, nor unless the claim or demand shall have been duly audited as in this charter is provided. The term "audited" is used in this charter

with reference to demands upon the city treasury, is to be understood as meaning that said demands have been presented to, passed upon and approved by every officer and board of officers as required by this charter, or the objections of the Mayor have been over-ruled as herein provided, and this must appear upon the face of the paper representing said demand.

SECTION 10.—No claim or demand shall be approved by the Mayor in favor of any person or officer or assignee of any person or officer, who is indebted to the city without first deducting the amount of said indebtedness; nor in favor of any officer having the collection, custody or disbursement of public funds who shall have failed to account to the city as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or report in writing, in the manner and at the time required by law, this charter or by the ordinances or regulations made in pursuance thereof; nor in favor of any officer who may have neglected or refused to comply with any of the provisions of this charter or the ordinances of the city, or any act of the Legislature of the State regulating the duties of such officer on being notified in writing by the Mayor or President of the Council to comply therewith; nor in favor of any officer for the time he shall have absented himself, without lawful cause or the consent of the Mayor and City Council, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the Mayor and City Council may examine under oath, any officer receiving a salary from the city treasury touching such absence.

SECTION 11.—The City Clerk must number and keep a record of all claims and demands upon the city treasury, approved by the City Council and Mayor, and of the claims and demands approved by the Board of Library Trustees and Mayor, showing the number, date, amount, and name of the original and present holder, on what account allowed, out of what fund payable, and by what board or officer it has been previously approved.

SECTION 12.—Every lawful demand upon the city treasury, audited and allowed as in this charter provided, shall in all cases be paid upon presentation of the warrant issued, if there be sufficient money in the city treasury applicable to the payment of such demand, and the warrant shall be cancelled with a punch cutting the word "Cancelled" therein, and the proper entry thereof shall be made. If, there be not sufficient money so applicable, then the warrant shall be registered by the City Treasurer in a book kept for that purpose. Such register shall show the special number of such warrant given by the City Council or other authority, and also by the City Clerk, the date, amount, name of the original holder, on what account allowed, against what appropriation drawn, out of what fund payable, and the date of presentation for payment. All demands shall be paid in the order of their registration. Each demand or warrant upon being so registered, shall be returned to the party presenting it, with the endorsement of the word "Registered", the date of registration and the signature of the City Treasurer; but the registration of any demand or warrant shall not operate to recognize or make valid such demand or warrant if made contrary to law or the provisions of this charter.

SECTION 13.—All public moneys collected by any officer or employee of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employee, or other person collecting money, shall be paid by demands upon the city treasury, duly audited as other claims and demands are audited and paid.

ARTICLE IX.

CONTRACTS.

SECTION 1.—The City of Santa Cruz shall not be and is not bound by any contract, except as otherwise provided in this charter, unless the same is made in writing by order of the City Council and is signed by the Mayor or by some other person, authorized so to do by order of the City Council, on behalf of the city; *provided* that the approval of the form of the contract by the City Attorney shall be endorsed thereon before the City Council shall have power to order the same to be entered into on behalf of the city; but the City Council, by an ordinance duly adopted, may authorize any officer, board, commission or agent of the city to bind the city without a contract in writing for the payment for supplies, labor or other valuable consideration furnished to the city in an amount not exceeding two hundred dollars.

SECTION 2.—All contracts for goods, merchandise, stores, supplies, materials, subsistence, printing, or advertising except as otherwise provided in this charter, for the city or for any of the departments or public institutions thereof, must be made by the City Council with the lowest and best bidder offering adequate security for the faithful performance of the contract. Before making said contracts the City Council shall call for bids by publication of notice in a newspaper published in the City of Santa Cruz for at least ten days before the day upon which the said bids are to be opened by the City Council.

SECTION 3.—All bids must be accompanied by a certificate of deposit issued by, or a certified check drawn upon a solvent bank doing business in the City of Santa Cruz, for an amount equal to ten per centum of the bid; the said certificate of deposit or certified check must be made payable to the City Clerk, at sight. If the bidder to whom the contract is let, shall for five days after the contract is awarded

to him, fail or neglect to enter into the contract and file the required bond, the City Clerk shall draw the money due on such certificate of deposit or certified check and pay the same into the city treasury, and under no circumstances shall the certificate of deposit or certified check or the proceeds thereof be returned to the defaulting bidder.

SECTION 4.—The City Council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the City Attorney as to form, shall be approved by the Mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the Mayor. The City Clerk shall furnish printed blanks for all such bids, contracts, and bonds.

SECTION 5.—All bids must be placed in sealed envelopes and be delivered to the City Clerk and be opened by the City Council at the time and place stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids, must be rejected. The City Clerk shall return to the unsuccessful bidders their certificates of deposit or certified checks. He shall retain the certificate of deposit or certified check of the successful bidder until after the approval by the Mayor of the bond furnished by said bidder, for the faithful performance of his contract, and then shall return such certificate of deposit or certified check to such successful bidder.

SECTION 6.—When a contractor fails to enter into the contract awarded to him or to perform the same, new bids must be invited and a new contract awarded as provided in the first instance. When the City Council believe that the prices are too high, or that the bidders have combined to prevent competition, or that the public interest will be subserved thereby, it may reject any and all bids and cause the notice calling for bids to be re-advertised.

SECTION 7.—No contract for removing garbage, sweeping, sprinkling, or lighting the public streets, public buildings, places or offices shall be made for a longer period than one year, and no contract to pay for power, gas or electric light at a higher rate than the minimum price charged to any other consumer shall be valid.

ARTICLE X.

FRANCHISES.

SECTION 1.—No exclusive franchise or privilege and no special privilege shall be granted for any purpose.

SECTION 2.—No application for a franchise shall be considered by the City Council unless the application shall be accompanied with the sum of one hundred dollars, which sum shall be returned to the applicant in the event that the City Council shall determine that the public necessity or the public interest do not require the granting of the franchise. If, however, the City Council shall determine that the public necessity or the public interest require the granting of the franchise, then the said sum of one hundred dollars shall be retained by the city in full for all costs of advertising and other preliminary expenses connected with the offering for sale of the said franchise; *provided*, the applicant shall be the successful bidder for the franchise. Otherwise the successful bidder, upon being granted the franchise, shall forthwith pay the sum of one hundred dollars to defray the costs of advertising and preliminary expenses connected with the offering the said franchise for sale and the said sum of one hundred dollars shall be returned to the original applicant for the said franchise.

SECTION 3.—In granting any franchise the City Council shall impose such lawful restrictions and limitations as may best subserve the public interest and welfare.

SECTION 4.—In the granting of franchises the City Council shall be governed by the general laws of the State of California in force at the time said franchise is granted, which laws are hereby declared to be and are hereby made a part of this charter, so far as they are or may be applicable to the class of cities to which this municipality may belong.

SECTION 5.—All franchises granted under this charter shall provide that when any such franchise or any portion thereof shall have been in disuse in whole or in part for a period of one year, there being no legal impediment to the use thereof, said franchise shall be deemed abandoned and forfeited to the extent of the said disuse, and the said franchise or the part thereof so in disuse shall no longer be exercised or enjoyed.

SECTION 6.—The Mayor may on his own motion and must upon a resolution of the City Council directing him so to do, cause to be instituted on behalf of the city such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city to any person, company or corporation which have been forfeited in whole or in part or which for any reason may be irregular and void and not binding upon the city, and the City Attorney upon the demand of the Mayor must institute and prosecute the suits or actions required to enforce the provisions of this section.

ARTICLE XI.

ELECTIONS.

SECTION 1.—Elections to be held in the City of Santa Cruz shall be general and special elections.

SECTION 2.—The Mayor, members of the City Council, City Treasurer and Collector, City Clerk and Assessor, City Attorney, Police Judge, Chief of Police,

Superintendent of Streets and Parks, and the members of the Board of Education as provided in this charter, shall be elected by the qualified electors of the city, at a general municipal election to be held on the second Monday in April A. D. 1907, and on the second Monday in April every two years thereafter.

All officers and employés of the city whose election or appointment is not otherwise provided for in this charter, shall be appointed by the Mayor by and with the consent and approval of the City Council and shall hold office at the pleasure of the City Council.

SECTION 3.—All elections held under this charter shall be governed by the general election laws of the State of California, so far as they may be made applicable to municipal elections, where they are held separate from general State elections.

SECTION 4.—The conduct and carrying on of all city elections shall be under the direction and control of the Mayor and City Council, and the Mayor and City Council shall, by ordinance provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of city elections, and may change and alter such precincts and re-district the municipality for such elections as often as occasion may require; *provided*, that no part of any ward shall be attached to any other ward or part thereof in forming election precincts; *provided*, further, that such re-districting of the municipality shall not be done nor the alteration of precincts for election purposes shall be made within ninety days of any municipal election.

SECTION 5.—The provisions of the general laws of the State of California governing elections for State and county officers not inconsistent with the provisions of this charter, shall govern city elections in all matters for which no provision is made in this charter, and the City Council and the City Clerk, respectively, shall exercise the duties conferred or imposed by such laws upon Boards of Supervisors and County Clerks concerning elections.

SECTION 6.—Every person who resides within the exterior boundaries of any municipal election precinct of the city at the time of holding any city election, and who was a qualified elector at the general State election held immediately preceding such city election, and who at the time of holding such general State election, was upon the Great Register of Santa Cruz County as a qualified elector of any of the municipal election precincts, shall be entitled to vote at such city election without other or additional registration.

SECTION 7.—All other persons claiming the right to vote at any city election, must be registered upon the Great Register of the County of Santa Cruz, as an elector of and within the municipal election precinct wherein he claims the right to vote, at least thirty days prior to the day of the said city election, and must reside within the exterior boundaries of such municipal election precinct at the time of the holding of the election.

SECTION 8.—At all city elctions the last printed Great Register of Santa Cruz County shall be used, and any elector whose name does not appear upon the printed Great Register shall be permitted to vote upon presenting and filing with the Board of Election a certificate under the seal of the County Clerk, showing that his name is registered and uncancelled upon the Great Register of the county, provided he is otherwise entitled to vote.

SECTION 9.—The election returns from each municipal election precinct shall be filed with the City Clerk, who shall immediately place them in the safe or vault in the City Clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the Mayor and City Council. After having been canvassed they shall be sealed up and kept by the City Clerk for six months and no person shall have access to them, except on the order of a court of general jurisdiction.

SECTION 10.—The Mayor and City Council shall meet within five days after any city election, at their usual place and time of meeting, and canvass the returns of the said election and declare the result.

SECTION 11.—After the result of an election is declared, or when an appointment is made, the City Clerk under his hand and official seal shall issue a certificate therefor and serve the same by registered mail through the United States Post Office in Santa Cruz, addressed to the person or persons elected or appointed, and such person or persons must within ten days after receiving such certificate, file his official bond, if a bond be required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the City Clerk.

SECTION 12.—All elective officers shall take office at twelve o'clock noon on the first Monday in May next after the day of election, and shall hold office for the period of two years unless in this charter otherwise provided and until their successors are elected and qualified.

ARTICLE XII.

EDUCATIONAL DEPARTMENT.

SECTION 1.—The School Department of the City of Santa Cruz, shall comprise all of the schools within the City of Santa Cruz, and within any territory that now is or that may hereafter be annexed thereto for school purposes, and shall be known as the Santa Cruz School District. It shall consist of primary, grammar

and high schools as now established or that may hereafter be established, and kindergartens, and may, at the discretion of the Board of Education, include technical, industrial and night schools; *provided*, that no school money shall be used for technical, industrial or night schools, when such use would prevent the Board of Education from maintaining free kindergarten, primary, grammar and high schools for ten months in each year.

SECTION 2.—The government of the schools of the city shall be vested in a Board of Education, to consist of three members, to be elected from the Santa Cruz School District, at large, at the first general election held under this charter, who shall serve without compensation. At the said election, two members of the board shall be elected to hold office for two years and one to hold office for four years. All members elected thereafter shall be chosen at the general city elections, and for the term of four years. Vacancies occurring on the Board of Education between the elections herein provided for, and all other matters pertaining to the election of members of the Board of Education, not otherwise provided for in this charter, shall be governed by the general School Law of the State of California.

SECTION 3.—Members of the Board of Education shall enter upon the discharge of the duties of office upon the first Monday in May after their election, and shall meet upon that day and organize by choosing one of their members as President, who shall serve as President for one year. The Board shall also elect a Clerk, who may or may not be a member of the Board and who shall serve at the pleasure of the Board.

SECTION 4.—The Board of Education shall hold regular meetings at least once a month at such time and place as may be determined by its rules. Special meetings must be called by the President upon written request of two members of the Board, and such special meetings may be called by the President as often as he deems necessary.

SECTION 5.—The powers and duties of the Board of Education are:

First.—To establish and maintain public schools as herein provided and to change, consolidate and discontinue the same.

Second.—To subdivide the school district and to fix and alter the boundaries of such subdivisions.

Third.—To employ and dismiss teachers, janitors, truant officers, school census marshals, and such other employés as may be necessary to carry into effect the powers and duties of the Board.

Fourth.—To fix, alter, allow and order paid the salaries or compensation of all employés, and to withhold for good and sufficient reasons the whole or any part of the salary or wages of any person or persons employed as aforesaid.

Fifth.—To make, establish and enforce all necessary rules and regulations not in conflict with the laws of the State, for the government and management of the public schools within the district, the teachers thereof, and the pupils therein, and for the carrying into effect the laws of the State relating to education.

Sixth.—To establish and regulate the grade of the schools and to determine the course of study therein, the mode of instruction, and what text-books other than those published by the State shall be used in the schools.

Seventh.—To outline and prescribe a course of study for the high school that will fit and prepare pupils therein to enter the University of California.

Eighth.—To provide for the school department all necessary fuel, lights, water, printing, stationery and other supplies and to incur such other incidental expenses as may be for the interest and welfare of the department.

Ninth.—To build, alter, repair, rent and provide school houses, and to furnish the same with suitable furniture, apparatus, and appliances, and to insure any and all school property.

Tenth.—To purchase and sell, receive, lease, hold in fee in trust for the city, any and all real estate and personal property that may have been acquired or that may hereafter be acquired, for the use and benefit of the schools of the city, and to make in the name of the city, conveyances of property belonging to the city which is sold by the Board of Education; *provided*, that the proceeds of any such sale of real estate shall be applied exclusively to the purchase of other lots or for the erection of school houses for the use of the department.

Eleventh.—To grade, fence, and improve all school lots and grounds.

Twelfth.—To prohibit any child under the age of six years from attending any of the public schools; *provided*, they shall fix the age in kindergarten classes at which pupils may attend at not less than four years; and to suspend or expel pupils for misconduct.

Thirteenth.—To admit, at their discretion, non-resident children and persons over twenty-one years of age to any of the schools of the city, upon payment, at such times as the Board may direct, of such tuition fees as have been fixed by the Board.

Fourteenth.—To furnish books to children of parents unable to furnish them. The books so furnished shall belong to the district and shall be returned to the Superintendent at the end of each term of school.

Fifteenth.—To visit the schools of the city and carefully examine into their management, condition and needs.

Sixteenth.—To discharge all legal incumbrances now existing or which may hereafter exist upon any of the school property of the district.

Seventeenth.—To sue for any and all property acquired or claimed for the use and benefit of the school department, and to prosecute and defend all actions at law or in equity, necessary to recover and maintain the full enjoyment of said property, and to require the services of the City Attorney in all such matters without compensation.

Eighteenth.—To do and perform, in general, such other acts as may be required by general laws applicable to the city, and which may be necessary and proper to carry into effect the powers conferred upon the Board of Education and to increase the efficiency of the public schools of the city.

SECTION 6.—The Board of Education shall annually appoint a City Superintendent of Schools, who shall be a practical educator and who shall have had not less than five years of successful experience in teaching. He shall not engage in any occupation or undertaking that will interfere directly or indirectly with the performance of the duties of his office, and during his incumbency of said office, he shall not hold, nor be a candidate for any elective office in the City or County of Santa Cruz or in the State of California. He shall have general supervision over the school houses and school property, and see that they are not wasted or destroyed; he shall grade the classes in the schools and classify the pupils as to the grade of school they shall attend; he shall from time to time recommend to the Board of Education such alterations, additions and changes in the grade of the schools, course of study, text-books, and such other things and matters as he deems beneficial and proper. He shall in June of each year submit to the Board a full and detailed report of the progress of the schools, their present condition, the condition of school houses, lots and furniture, the number of pupils taught, respectively in the kindergarten, in the primary, in the grammar and in the high school grades. He shall have general supervision and control of the teachers and shall report to the Board any misconduct, want of ability, negligence or inattention on the part of any of them; he shall subject to the approval of the Board, have power to assign teachers to such classes as in his judgment shall be for the best interest of the schools; he shall see that none but the authorized text-books are used, and that teachers and pupils faithfully perform their respective duties; he shall do and perform such other duties, matters and things as may be required of or be imposed upon him by the Board of Education or the general laws of the State.

SECTION 7.—The clerk of the Board of Education shall keep a true record of the proceedings of the Board and a correct account of the expenditures allowed by it, and for what purpose, so that he can at any time make an exhibit, in aggregate and in detail of the outlays for the department; he shall be the general custodian of all books, papers and documents belonging to the Board. He shall, in June of each year, make to the Board of Education a full and detailed report of the receipts and expenditures of the department and the amounts paid, respectively, for teachers, rents, repairs, lands, buildings, furniture, fuel, stationery and other expenses. He shall perform such other duties as the Board of Education may require of him.

SECTION 8.—All other matters pertaining to the school department not specifically provided for in this charter, shall be governed by the general school law of the State of California.

ARTICLE XIII.

PUBLIC LIBRARY.

SECTION 1.—The Santa Cruz Public Library shall be controlled and managed in accordance with the provisions of the general law of the State of California relating to public libraries and by such amendments thereto as may hereafter be made.

ARTICLE XIV.

HEALTH DEPARTMENT.

SECTION 1.—The Board of Health shall consist of three members, all of whom shall be appointed by the Mayor and their appointment confirmed by the City Council; each of the three thus appointed shall be a citizen of the State and shall have been a resident and qualified elector of the city for a period of three years next preceding the time of his appointment. Those members of the Board of Health first appointed under this charter shall so classify themselves by lot that one shall go out of office at the end of the current fiscal year, one at the end of one year thereafter, and one at the end of two years thereafter; thereafter their successors shall hold office for three years and until their successors are appointed and qualified.

SECTION 2.—Two members of the Board of Health shall constitute a quorum for the transaction of business.

SECTION 3.—The Board of Health shall, at its first meeting and annually thereafter appoint a Health Officer, who may or may not be a member of the Board, and who shall be a regularly licensed physician. The Health Officer shall be exofficio Secretary of the Board of Health.

SECTION 4.—The Board of Health shall have supervision of all matters pertaining to the sanitary conditions of the city and the public institutions thereof, and full powers are hereby given to the said Board over all questions of defective drainage, the disinfection and sanitary cleaning of all public and private places, and the

abatement of all nuisances prejudicial to the health of the inhabitants of the city or any of them. The said Board shall exercise a general supervision over and be the custodian of all death and cemetery records, and shall cause to be kept in books prepared for that purpose complete records of all deaths and births occurring in said city. The Board of Health shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city and prevent the spread of contagious and infectious diseases. Said Board shall have the power to prevent or forbid communication with infected families or houses, and, with the consent of the Mayor, may provide the necessary attendance and supplies for any posthouse which may be in use.

SECTION 5.—The City Council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the Board of Health may from time to time adopt; all expenses necessarily incurred by the Board of Health in carrying out the provisions of this charter shall be provided by the City Council, who are hereby authorized and directed to make an appropriation therefor out of the general fund.

SECTION 6.—The Secretary of the Board of Health shall see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the said Board are properly and rigidly enforced. He shall keep a full record of all the transactions of the said Board, as well as all records pertaining thereto, and shall issue all permits for burials, cremations or removals in or from any of the cemeteries of the city, and no interments or cremations shall be made therein, unless said Health Officer is satisfied of the correctness of the certificate of death, presented for his inspection. He shall have the power of a police officer, and shall make a complete and detailed quarterly report to the Board of Health and to the City Council of the affairs pertaining to his office, including mortuary and other statistics together with such observations and recommendations in relation to the sanitary conditions of the city as he may deem necessary and proper.

SECTION 7.—The Health Officer shall visit, once in each quarter, all public buildings and school houses in the city and such other premises as the Board of Health may direct. During such visits he shall examine the manner in which they are lighted, ventilated, and heated and particularly as to their sanitary condition.

SECTION 8.—The Health Officer shall promptly report in writing to the superintendents or governing powers of all schools the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria or any other contagious or infectious disease. Said superintendents or governing authorities, when so notified, must refuse admittance to the schools of all members of a household, one or more of whose inmates are sick from any of the aforesaid diseases. The persons excluded shall be admitted on presenting a certificate from his or her attending physician, countersigned by the Health Officer, or from the Health Officer, that there is no longer any danger from contagion. When a case of contagious or infectious disease is reported to the Health Officer, he shall visit the premises where the person is, and when satisfied that said disease exists, he shall place a flag or a conspicuous notice on said premises, which shall remain during the continuance of the disease on said premises. The Health Officer may cause to be removed to a smallpox hospital any person in said city affected with smallpox. When a case of smallpox exists in any house, and the person so affected is not removed to said hospital or pest house, the Health Officer shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as public safety requires.

SECTION 9.—Every member of the Board of Health may administer oaths regarding matters connected with the Health Department.

SECTION 10.—The Health Officer shall receive such compensation as may be fixed by the City Council. The other members of the Board of Health, appointed as in this charter provided, shall receive no compensation for their services.

ARTICLE XV.

POLICE AND FIRE DEPARTMENTS.

SECTION 1.—The Police and Fire Departments of the city shall be under the control and management of the City Council, which shall have power:

First.—To prescribe the qualifications, duties, rank, badges of office and uniforms of the officers, members and employés of said departments unless otherwise provided in this charter.

Second.—To prescribe rules and regulations for the government and discipline of the same, and to prescribe and enforce penalties for their violation.

Third.—To hear and summarily determine all complaints of misconduct, inefficiency or violation of the rules, or other charges against any member, officer or employé of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline and efficiency of said departments. When investigations or trials are conducted by said City Council, the City Clerk shall have power to issue subpœnas for the attendance of witnesses and the production of papers before it. Such subpœnas may be served by any policeman. The Mayor or any member of the

City Council may administer oaths or affirmations in the conduct of said investigations or trials.

Fourth.—To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said City Council by this charter or by any ordinance of said City Council, passed pursuant thereto, or by the Constitution and laws of this State, and in general to manage and control said departments.

SECTION 2.—The City Council shall maintain a fire alarm, and may maintain a police telegraph or telephone system, and shall manage and control the same.

SECTION 3.—The police department shall consist of a Chief of Police, and such captains, detectives and other policemen as the City Council may determine to be necessary, who shall with the exception of the Chief of Police be appointed by the Mayor of the said city, with the approval of the City Council, and shall hold office during the pleasure of the City Council; *provided*, the police force other than the Chief of Police, shall not exceed one police officer, paid by the city, for each one thousand inhabitants in the said city, and *provided*, that the Mayor of said city shall have power to appoint for one day only, special policemen who shall be under the supervision of the Chief of Police.

SECTION 4.—The fire department shall consist of a Chief Engineer and assistants, and as many drivers, engineers, hosemen and other employés as the City Council may determine to be necessary, who shall be appointed by the Mayor of the said city with the approval of the City Council, and they shall hold office during the pleasure of the said City Council.

SECTION 5.—Said City Council shall supervise and possess full power and authority over all funds, moneys and appropriations made for the use of the police and fire departments, and also the organization, government and discipline of said departments, and shall have control of all property and equipments belonging to said departments, and shall, from time to time, purchase and acquire such property and equipments as may be deemed necessary for the use of said departments.

ARTICLE XVI.

CITY WATER WORKS SYSTEM.

SECTION 1.—The City Council shall have full power and authority over the organization, government, management and discipline of the water works department, and shall have control of the water works and other property pertaining or belonging thereto, and shall see that all employés of the department faithfully discharge their duties, and that all laws, ordinances, rules and regulations relating thereto are observed; *provided, however*, that the City Council shall have no power, warrant or authority to ever sell, lease or assign, convey, mortgage or hypothecate any part of, or interest in the water system, or any property belonging thereto, or any rents or income therefrom, now belonging to the City of Santa Cruz, or that may hereafter be acquired by said city unless authorized so to do by a vote of the people. The City Council shall make such rules and regulations as may be necessary to secure efficiency in the water works system.

SECTION 2.—The permanent employés of the water works department shall be a Superintendent and an Assistant Superintendent. The Superintendent shall be appointed by the Mayor with the consent and approval of the City Council, and shall hold office at the pleasure of the City Council. The Superintendent of water works shall reside in the City of Santa Cruz, and shall be qualified by training and practical experience to perform the duties of his office as herein prescribed. He shall, under control of the City Council, have charge of all reservoirs, water mains, pipes, stand pipes, tanks, gates, valves, fire hydrants and taps, and shall supervise the laying, changing, or removal of all water mains, and the putting in of taps and the flushing of hydrants. He shall make collections of water rates, when the same are not paid at the office of the City Clerk, and shall perform such other duties as may from time to time be prescribed by the City Council. He shall keep a correct record of all alterations or additions made to the main pipes, gates, valves, taps and fire hydrants, and all labor performed under his directions. He shall account for all materials and tools received or used in his department, and make a written report covering the same to the City Council on the first Monday in each month, together with such recommendations as to him may seem of interest to the public service. He shall examine all claims against the city for materials or tools used in his department and for labor performed under his directions; and said claims shall be certified as correct by him before being presented to the City Council for allowance.

SECTION 3.—The Superintendent of Water Works shall prepare and keep maps showing the size and location of all water mains, gates, hydrants and taps, and at the expiration of his term of office he shall turn the same over, together with an inventory of all tools and materials on hand to his successor in office.

SECTION 4.—The City Clerk shall be exofficio assistant Superintendent of the water works system. He shall keep all of the books and records of the department, and keep a true and correct account of all matters connected with the department, including receipts and disbursements, collections of water rates and cost of mainte-

nance of the system. He shall be at his office from nine until twelve o'clock, A. M., and from two to five o'clock, P. M., on all days, Sundays and legal holidays excepted, for the purpose of receiving water rates from the patrons of the system, and shall have authority to give receipts therefor. He shall perform such other duties as from time to time may be required of him by the City Council and said City Council shall fix his compensation for services as such Assistant Superintendent of Water Works.

ARTICLE XVII.

LIGHT, HEAT AND POWER.

SECTION 1.—The City Council shall have the exclusive control and management of the electric light plant now owned by the city, and of all plants or works that may hereafter be acquired by the city for furnishing said city or the inhabitants thereof with light, heat or power.

SECTION 2.—The City Council shall have full power to construct, maintain and improve such works and to manage the same, and to rent, sell, distribute and use light, heat and power.

SECTION 3.—The City Council shall by ordinance make such rules and regulations as may be necessary to secure efficiency in the management and control of any and all plants or works owned by the city, and may provide for the appointment, removal, discharge or suspension of electricians, superintendents, laborers and all other persons employed upon or about said works, or in the management, rental, sale, distribution and use of light, heat or power, and the collection of rates for the same, and may also fix their salaries or compensation, and prescribe their duties.

ARTICLE XVIII.

STREETS AND SEWERS.

SECTION 1.—Whenever the City Council shall deem it expedient to establish the grade or alter the established grade of the whole or any part of any street, avenue, lane, alley, court or place in said city, the same shall be done by ordinance.

SECTION 2.—The cost of providing cross walks, and of improving all intersections of streets, including the cost of constructing sewers therein, and of the space included between the center line of the street to be improved and the prolongation of the side lines of any street forming a junction with such street to be improved, to such center line, except the cost of constructing sewers therein, shall be paid out of the general or other appropriate fund of the city, and shall not be included in the special assessment for the proposed work. When a sewer is to be constructed in the last mentioned space, one half of the cost of said sewer shall be assessed against the property abutting against said space extended, and one half of said cost shall be paid out of the general or other appropriate fund of the city.

SECTION 3.—Except as provided herein, the general laws of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places, and sidewalks, including the construction of sewers, and providing for the grading or laying out, altering the grade of, or for opening, extending, widening, straightening or closing up in whole or in part any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and for providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within the city limits, now in force, or which may be hereafter adopted by the legislature of this State, is hereby made a part of this charter, and shall govern the City Council in such matters.

ARTICLE XIX.

PARKS AND PUBLIC GROUNDS.

SECTION 1.—All public grounds, squares and parks, including the tract of land known as "De Laveaga Heights," shall be under the control and management of the City Council.

SECTION 2.—The City Council shall have the full and exclusive power to govern, manage and control the said public grounds, squares and parks, and all such other grounds as have been or shall hereafter be placed under its care and charge, and shall have power to lease for farming or other purposes such portion or portions of said De Laveaga Heights as, in the discretion of said City Council, may be deemed advisable; to employ and fix the compensation of such employés as may be necessary for the proper care and improvement of such grounds, squares and parks; and to expend for the purpose of acquiring, developing or improving said public grounds, squares and parks all moneys received from any source for that purpose.

SECTION 3.—The Superintendent of Streets shall be exofficio Superintendent of public grounds and parks, and shall, under the direction of the City Council, have charge of the same.

SECTION 4.—It shall be lawful for the said City Council to pass and adopt such rules and regulations as it may deem necessary for the regulation, use and government of said De Laveaga Heights, and all other public grounds, squares and parks under its supervision; such rules and regulations shall, within five days after their passage, be posted in at least three conspicuous places on the grounds affected thereby.

SECTION 5.—The said Superintendent of Streets and Parks shall annually and on the first Monday in July of each year make to the City Council a detailed statement of all receipts and expenditures of the preceding fiscal year on account of said De Laveaga Heights, and of other public grounds, squares and parks. Said statement to be accompanied by an estimate of the probable necessities and expenses of the next fiscal year.

SECTION 6.—The City Council is hereby authorized and empowered to levy and collect each year, in the mode prescribed by law for the levy and collection of taxes, a tax not greater than ten cents upon each one hundred dollars assessed valuation of taxable property within the said City of Santa Cruz for the purpose of acquiring, preserving, maintaining and improving the public grounds and parks, including said De Laveaga Heights. All moneys collected and arising from said tax, and from leases and other sources of revenue for the use and benefit of said public grounds, squares and parks and said De Laveaga Heights, including gifts and legacies for such purposes, shall be paid into the treasury of the said city, and shall be deemed to be thereupon appropriated and set apart for any expenditure incurred for the purpose of acquiring, managing, maintaining, preserving and improving public grounds, squares and parks in the City of Santa Cruz.

ARTICLE XX.

MISCELLANEOUS DEPARTMENTS.

SECTION 1.—All the departments of the public service and public works, not in this charter otherwise provided for, shall be under the direction and control of the City Council, and the City Council may organize the same, and change such organization from time to time as to the said City Council shall seem best. The City Council shall have power to provide for the appointment, promotion, suspension, reduction or dismissal of all officers, and employés of such departments; to fix the powers, duties and compensation of such officers and employés; to prescribe rules and regulations for the government, discipline and equipment of such departments, and to enforce penalties for any violation of any such rules and regulations; and may do anything that may be necessary to maintain said departments in a high state of efficiency.

ARTICLE XXI.

THE INITIATIVE.

SECTION 1.—The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election, other than general city election, prior to the filing of said petition; and all voters registered at said general election or thereafter shall be entitled to sign the petitions herein provided for.

SECTION 2.—Upon presentation to the City Council of a petition or petitions signed by qualified electors of the city, in number equal to *ten* per centum of said registration, asking for the submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the City Council itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if said petition or petitions, request the calling of a special election and are signed by qualified electors equal in number to *twenty* per centum of said registration, then such measure, if not so enacted by the City Council, must be submitted to the electorate at a special election to be called within sixty days from the presentation of such petition or petitions to the City Council as herein provided.

SECTION 3.—If such proposed measure is a measure that the City Council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to *twenty-five* per centum of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the presentation of the said petition or petitions to the City Council, as herein provided.

SECTION 4.—The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number and also the date of said signature. Each paper shall have attached thereto the affidavit of a registered voter of the city, stating that all of the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Said petition shall

be filed with the City Clerk within sixty days from the date of the first signature appearing thereon, and within twenty days from the date of the filing of such petition in his office the City Clerk shall examine, and from the Great Register and certificates of registration ascertain, whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the City Council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of such examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If by the certificate of the City Clerk, the petition is shown to be insufficient, it may be amended within ten days from the date of such certificate.

SECTION 5.—The Clerk shall, within twenty days after such amendment make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the City Clerk shall present the same to the City Council without delay. Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under the provisions of this article more than one special election in any period of six months. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the City Clerk shall cause the measure to be printed, and he shall enclose printed copies in envelopes and mail one to each voter in the city, at least ten days prior to the election, but the City Council may order that the publication of the measure in a newspaper printed and generally circulated in the City of Santa Cruz shall take the place of the printing and mailing of the measure, as first above provided. Ordinances and measures in connection with local improvements, the expenses whereof are defrayed by special local assessments, shall not come within the operation of this section.

ARTICLE XXII.

THE REFERENDUM.

SECTION 1.—Any measure that the City Council or the electorate of the city, as herein provided, has authority to adopt, the City Council may of its own motion submit to a vote of its constituent electors at a general or special election.

SECTION 2.—Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise, or privilege, and no ordinance or measure making or authorizing any contract, (except contracts for improvements, the expenses whereof are defrayed by special local assessments, and contracts where the subject matter involved is of less value than one thousand dollars), passed by the City Council, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the City Council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by five votes of the City Council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the City Council.

SECTION 3.—If within said thirty days a petition or petitions signed by qualified electors of the city, in number equal to *ten* per centum of said registration, be filed with the City Clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract, (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is less than one thousand dollars in value), adopted by the City Council, be submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electorate for approval or rejection at the next regular election occurring subsequent to sixty days after the presentation of said petition or petitions to the City Council, as herein provided, or at a special election called prior to such regular city election; and if said petition or petitions are signed by qualified electors of the city, in number equal to *fifteen* per centum of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall within one year be again submitted, except by a vote of the City Council, or upon a petition signed by *forty* per centum of said registration. Said petition or petitions shall be in all respects in accordance with the provisions of Section Four of Article XXI, except as to percentage of signers, and shall be examined and certified by the City Clerk in all respects as therein provided.

SECTION 4.—If a majority of the votes cast on any ordinance or measure referred as herein provided, to the electorate of the city, shall be in favor of the said ordinance or measure, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall have been determined, otherwise such ordinance or measure shall be repealed or rejected, such repeal shall take effect ten days after the official count shall have been determined.

SECTION 5.—No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, nor within two years from the date of its adoption shall said ordinance or measure be amended or repealed except by a vote of the electorate. Any amendment or repeal of such ordinance or measure by the City Council shall be subject to the referendum provided in this article.

ARTICLE XXIII.

MISCELLANEOUS PROVISIONS.

SECTION 1.—Whenever the word "City" occurs in this charter it means the City of Santa Cruz, and whenever any department, board, or officer is mentioned in this charter it means the said department, board or officer, as the case may be, of the City of Santa Cruz.

SECTION 2.—Special meetings of the City Council may be convened at any time by the Mayor or a majority of the City Council. The City Council shall establish rules as to what shall constitute legal notice of said meetings.

SECTION 3.—The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

SECTION 4.—All officers, boards, and commissioners of the City of Santa Cruz shall, upon vacating their respective offices, turn over to their successors in office all books, papers, documents, records, archives and all other property or things pertaining to their respective offices, boards or departments, which may be in their possession or under their charge and control.

SECTION 5.—All books and records of the various offices and departments of the City of Santa Cruz, except those of the Police Department and the office of the City Attorney, shall be open to the inspection of any person during business hours, and opportunity shall be afforded to make copies of any portions thereof. Such copies, if requested, shall be certified by the officer in charge of said records on payment of a fee of *fifty cents* for each ten folios or fraction thereof.

SECTION 6.—No recourse shall be had against the City of Santa Cruz for damages or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, lane, avenue, alley, court or place, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or for want of repair of any sewer; nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such cases the officer or officers through whose negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for damages sustained.

SECTION 7.—No officer or employé of the city shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable out of the city treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by the city, or which shall be sold for taxes or assessment, or by virtue of legal process at the suit of the city. If any officer or person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city or any department or officer thereof, or in any franchise, right or privilege granted by the city, during the time for which he was elected or appointed, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever debarred and disqualified from being elected, appointed or employed in the service of the city; and all such contracts made or rights or franchises granted shall be void and shall not be enforceable against the city.

SECTION 8.—The Mayor shall have power to suspend any elected city officer, except a member of the City Council, for malfeasance in office, dereliction, neglect or non-performance of duty, and shall report the same to the City Council within five days of such suspension, together with the charges and specifications in writing against such officer. If within five days the City Council, by affirmative vote of at least five members, approve said suspension, then said charges shall be filed with the City Clerk, and during such suspension the said officer shall not be allowed a salary. If the suspension of said officer be not sustained by at least five members of the City Council, then such suspension shall be of no effect and void.

SECTION 9.—In any case of suspension of an elective officer, sustained by the City Council, a true and correct copy of the charges and specifications made against him shall be forthwith served upon him, and he shall have the right to be heard in his own defense with counsel, and shall be entitled to process to compel the attendance of witnesses in his behalf. In all cases the charges and specifications must have been served upon the accused at least five days prior to the hearing thereof, and the trial of such case shall proceed without further delay. The proceedings and final judgment, together with the ayes and nays shall be entered on the minutes. All trials of accused officers shall be conducted according to the forms of law and the established rules of evidence. When a judgment either sustaining the charges and specifications or dismissing them shall be rendered by the City Council, and be approved by the Mayor, it shall be final and conclusive. In the event of the charges against the accused officer being dismissed no forfeiture of salary shall result. Should the charges and specifications be sustained by the Mayor and City Council the office shall be declared vacant and the vacancy thus created shall be filled as in this charter provided.

SECTION 10.—The officers of the city in this charter provided for, shall, before entering upon the discharge of their duties of office, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of.....to the best of my ability."

SECTION 11.—No member of the City Council shall, during the term for which he shall have been elected or appointed, be eligible to any office to be filled or confirmed by the said City Council; nor shall any member of the City Council be selected to fill any vacancy that may occur in any other office where such office is to be filled or confirmed by the said City Council.

SECTION 12.—The officers of the city in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until *twelve o'clock* noon, on the first Monday in May, 1907, and until their successors are elected and qualified.

SECTION 13.—In all matters pertaining to municipal affairs concerning which no special provision is made in this charter, the general laws of the State of California are hereby declared to be, and shall be, a part of this charter as far as the same are or may be applicable to the class of cities to which this municipality may belong.

SECTION 14.—All ordinances and resolutions of the city and all regulations or rules prescribed for the government, control or discipline of any of its departments, officers or employés, which are in force at the time of the taking effect of this charter and which are not inconsistent therewith, shall continue in force until altered, amended or repealed.

SECTION 15.—All rights, actions, proceedings, prosecutions, and contracts of the city or any of its departments or officers in progress, begun, or in existence at the time of the taking effect of this charter, and not inconsistent therewith are hereby preserved, and shall continue to be valid, and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

SECTION 16.—This charter shall go into effect for all election purposes on the day of its adoption and ratification by the Legislature, and for all other purposes on the first Monday in May 1907, at *twelve o'clock noon*, unless otherwise herein provided.

SECTION 17.—The Mayor and City Council of the City of Santa Cruz, in office at the time this charter is approved and ratified by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes and declare the result.

ARTICLE XXIV.

AMENDMENTS.

SECTION 1.—This charter may be amended at intervals of not less than two years, by proposals therefor, submitted by the City Council to the qualified electors of the city, at a general or special election held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city, and ratified by the requisite vote of the qualified electors voting thereat, and approved by the Legislature, as provided in the Constitution of the State of California. In submitting such proposals alternative propositions may be presented for the choice of the voters, and may be voted on separately without prejudice to the others.

SECTION 2.—The proposals for the amendment of this charter referred to in the preceding section may be submitted by the City Council on its own motion, but must be submitted by the City Council in the manner provided in said section, whenever a petition is presented to such City Council, signed by a number of the qualified electors as provided in Article XXI of this charter.

SECTION 3.—The City Council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SECTION 4.—The tickets used at such elections shall contain the words, "For the amendment" (stating the nature of the proposed amendment) and, "Against the amendment" (stating the nature of the proposed amendment).

CERTIFICATE.

WHEREAS, The City of Santa Cruz, a city of more than three thousand five hundred inhabitants, did on the twentieth day of August, A. D. 1906, have a special election, and under and in accordance with the provisions of Section 8, Article 11 of the Constitution of the State of California, elect the undersigned, a Board of Fifteen Freeholders, to prepare and propose a charter for said city;

BE IT KNOWN that in pursuance of said provisions of the Constitution of the State of California, and within a period of ninety days after such election, we, the members of the said Board of Freeholders, have prepared and do hereby propose the foregoing articles signed in duplicate, as and for the charter of the said City of Santa Cruz.

IN WITNESS WHEREOF, We have hereunto set our hands, at the City of Santa Cruz, County of Santa Cruz, in the State of California, this 15th day of November, A. D. 1906.

C. D. HINKLE, President.
DAVID C. CLARK, Secretary.
F. D. BALDWIN.
CHAS. M. CASSIN.
D. W. JOHNSTON.
W. P. NETHERTON.
SAMUEL LEASK.
A. A. MOREY.
J. P. PARKER.
WILSON R. SPRINGER.
C. E. FAGEN.
S. A. PALMER.
DUNCAN McPHERSON.
J. G. TANNER.
LOUIS H. WESSENDORF.

ADDITIONAL PROPOSITIONS SUBMITTED TO A VOTE OF THE PEOPLE AND PROPOSED TO BE INCORPORATED IN THE CHARTER FOR THE CITY OF SANTA CRUZ.

PROPOSITION 1.

The Mayor shall receive a salary of *six hundred* dollars a year, payable monthly.

PROPOSITION 2.

Members of the City Council shall each receive a salary of *three hundred* dollars a year, payable monthly.

PROPOSITION 3.—THE RECALL.

SECTION 1.—The term of office, of each officer, elective or appointive, shall be limited to the good behavior of the holder thereof, who shall be subject to removal as provided in this charter and by general law.

SECTION 2.—The removal by the electors of the city of any elected officer, may be effected as follows:

A petition or petitions, signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least *twenty-five* per centum of the entire vote cast for Mayor, at the last preceding general municipal election, demanding an election of a successor of said incumbent, shall be addressed to the City Council and be filed with the City Clerk. Said petition or petitions shall contain a general statement of the grounds for which said removal is sought. The method of procedure after the filing of the petition or petitions shall be as provided in Article XXI.

SECTION 3.—The City Council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted, and the result thereof declared in all respects as are those of other city elections.

SECTION 4.—The successor of any officer so recalled or removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate for election to succeed himself, and unless he request otherwise in writing, the City Clerk shall place his name upon the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. In case the party who has received the highest number of votes shall fail to qualify within ten days after receiving notice of his election, the office shall be deemed vacant and shall be filled by appointment, as elsewhere in this charter provided: *provided*, that no one who has been recalled under the provisions of this article shall be appointed to fill the vacancy. If the incumbent shall receive the highest number of votes, he shall continue in office.

SECTION 5.—The holder of any appointive office may be removed by the electors of the city. The initial procedure to effect such removal shall be as provided in Section 2, of this article.

SECTION 6.—The City Council shall make or cause to be made due publication of notice of, and shall make all arrangements for, the holding of such election, and the same shall be conducted and the result thereof shall be declared in all respects as are other city elections.

SECTION 7.—If, prior to the publication by the City Council, as provided in Sections 3 and 6 of this article, the office which it is sought by the petition to have vacated, has been legally vacated, by resignation or otherwise, further proceedings under the petition shall thereupon terminate, and the office shall be filled by appointment of a person other than the former incumbent, as elsewhere in this charter provided.

SECTION 8.—In case such office shall not have been vacated prior to the publication by the Council, as provided in Section 7 of this article a referendary vote shall be had as provided in this article.

The tickets to be voted at such referendum shall be as follows:

"For the removal of .....," naming the officer the removal of whom is sought to be accomplished, and "Against the removal of .....," naming the officer whose removal is sought to be accomplished.

The ballots shall be provided with squares at the right hand of each voting proposition, in which the voter may make a cross indicative of his vote.

SECTION 9.—In case the result of the ballot shall show a majority vote against removal, the incumbent shall continue to hold office. In case the result shall show a majority vote for removal, said incumbent shall, upon the announcement thereof, as elsewhere provided cease to hold office, which shall thereupon by the City Council be declared vacated, and the vacancy shall thereupon be filled as is elsewhere provided for the filling of said office.

CERTIFICATE.

WHEREAS, The City of Santa Cruz, a city of more than three thousand five hundred inhabitants, did on the twentieth day of August, A. D. 1906, have a special election, and under and in accordance with the provisions of Section 8, Article 11 of the Constitution of the State of California, elect the undersigned, a Board of Fifteen Freeholders, to prepare and propose a charter for said city;

BE IT KNOWN that in pursuance of said provisions of the Constitution of the State of California, and within a period of ninety days after such election, we, the members of the said Board of Freeholders, have prepared and do hereby propose the foregoing additional articles signed in duplicate, as and for a part of the charter of the said City of Santa Cruz, to be presented for the choice of the voters of the City of Santa Cruz and to be voted on separately without prejudice to the said proposed charter or to any or either of the articles or propositions herewith presented.

IN WITNESS WHEREOF, We have hereunto set our hands, at the City of Santa Cruz, County of Santa Cruz, in the State of California, this 15th day of November, A. D. 1906.

C. D. HINKLE, President.
DAVID C. CLARK, Secretary.
F. D. BALDWIN.
CHAS. M. CASSIN.
D. W. JOHNSTON.
W. P. NETHERTON.
SAMUEL LEASK.
A. A. MOREY.
J. P. PARKER.
WILSON R. SPRINGER.
C. E. FAGEN.
S. A. PALMER.
DUNCAN McPHERSON.
J. G. TANNER.
LOUIS H. WESSENDORF.

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ, } ss.
CITY OF SANTA CRUZ. }

I, T. W. DRULLARD, Mayor of the City of Santa Cruz, California, do hereby certify that I now am and at all of the times herein mentioned was the duly elected, qualified and acting Mayor of said City of Santa Cruz; that the Board of Freeholders whose names appear signed to the foregoing proposed charter and three alternative propositions were, and each of them was, on the 20th day of August, A. D. 1906, at a special municipal election held in said City of Santa Cruz on said last named day, duly elected by the qualified voters of said city as such freeholders, to prepare and propose a charter for said city; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five years immediately prior thereto, a qualified elector of the said City of Santa Cruz; that said Board of Freeholders, in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing three alternative propositions for said city, in duplicate; that the foregoing is a full, true and correct copy of said proposed charter of the said City of Santa Cruz, including the said alternative propositions I, II and III, which were prepared and proposed by said Board of Freeholders, one copy of which said proposed charter and of said

proposed three alternative propositions was duly returned to me as Mayor of the said City of Santa Cruz, and the other copy thereof was duly returned to and filed with the Recorder of the County of Santa Cruz, all within ninety days after said election, as required by Section Eight of Article Eleven of the Constitution of this State; that such proposed charter and the said alternative propositions I, II and III were then published in the "Santa Cruz Morning Sentinel" and in the Santa Cruz Surf." (the same being daily newspapers of general circulation in said city) for more than twenty days, and the first publication thereof was made within twenty days after the completion of said proposed charter and said three alternative propositions; that within thirty days after the publication of said proposed charter and said alternative propositions I, II and III as aforesaid, and as required by said Section Eight of the Constitution, to wit: On the 22nd day of January, A. D. 1907, said proposed charter and said alternative propositions I, II and III were submitted at a special municipal election duly held in the said City of Santa Cruz, for the purpose of ratifying or rejecting said proposed charter and the said three alternative propositions.

That said proposed charter as a whole and the said three alternative propositions were duly ratified at said last mentioned election by the majority of the votes of the qualified electors of said city voting thereon, and that the returns of said last mentioned election were duly canvassed by the Mayor and Common Council of said City of Santa Cruz on the 23rd day of January, A. D. 1907, and the result thereof declared as above set forth.

And I further certify that at all the times herein mentioned said City of Santa Cruz contained a population of more than three thousand five hundred, and that in all matters and things pertaining to said proposed charter and the said three alternative propositions, the provisions of Section Eight of Article Eleven of the Constitution and of the laws of the State of California pertaining to the adoption of said proposed charter and of said three alternative propositions have, in every particular, been fully complied with.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city this 29th day of January, A. D. 1907.

T. W. DRULLARD,
Mayor of the City of Santa Cruz.

[SEAL.]
Attest:
J. L. WRIGHT,
City Clerk and ex-officio Clerk of the Mayor and Common Council.

Now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein) that said charter of the City of Santa Cruz, including said three alternative propositions providing respectively for the salaries of the Mayor and of the City Council, and for The Recall, which said three alternative propositions were submitted with and at the time of said proposed charter, all as presented to, and adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole, (including each of the said three alternative propositions) for and as and to be the charter of said City of Santa Cruz, as aforesaid.

Concurrent resolution read.

The roll was called, and Assembly Concurrent Resolution No. 13 adopted by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Jury, Kelly, Kohlman, Lucas, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—49.

NOES—Mr. Johnson of Sacramento—1.

Concurrent resolution ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 376—An Act providing for the building of cottages for guards at the State Prison at San Quentin, and appropriating money therefor.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 231—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said Commissioner, his deputy, his agents, and assistants, and making an appropriation therefor.

Bill referred to Committee on Ways and Means.

Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "has," in line 10 of Section 1 of the printed bill, and inserting in lieu thereof the word "have."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

During second reading of bill, the following amendment was submitted by the committee.

AMENDMENT No. 1.

Amend by striking out the words " to such beneficiary as such member may have last nominated and designated in writing to said board," on lines 17, 18, 19, Section 4, third page, printed bill, and inserting in lieu thereof the following: "to his mother, or, if he left no mother, then to his unmarried sister, or unmarried sisters in equal shares."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 4 of printed bill, and inserting in lieu thereof the following:

SEC. 4. Section 12 of said Act is hereby amended to read as follows:

Section 12. The board of supervisors, or other governing authority, of any county, city and county, city or town, shall, for the purposes of said "firemen's relief and pension fund" hereinbefore mentioned, direct the payment monthly into such relief and pension fund of the following moneys:

First—All rewards given or paid to members of such fire department.

Second—All fines imposed upon members of the fire department in keeping with rules and regulations of the department.

Third—All fines imposed and collected for violation of laws pertaining to precaution against fire.

And such governing authority shall also direct the payment annually into such relief and pension fund of the following moneys:

First—All moneys awarded or apportioned by the State of California to any such county, city and county, city or town, for the use of the fire department of such county, city and county, city or town.

Second—All moneys derived from the tax levied, collected, and apportioned as hereinafter in this section set forth.

The Board of Firemen's Pension Fund Commissioners of every county, city and county, city or town, must at least fifteen days before the first day of the month, in which the board of supervisors or other governing authority of such county, city and county, city or town, is required by law to levy the amount of taxes required for such county, city and county, city or town purposes, furnish to the board of supervisors, or other governing authority, an estimate in writing of the minimum amount needed for the "firemen's relief and pension fund" of such county, city and county, city or town, for the ensuing year, which amount must be computed as follows:

First—Such Board of Firemen's Pension Fund Commissioners shall calculate and

ascertain the amounts of money paid into said fund from rewards to members, fines imposed upon members, fines imposed and collected for violation of laws pertaining to precaution against fire, and moneys awarded or apportioned by the State to such county, city and county, city or town, for the use of the fire department of such county, city and county, city or town, and shall deduct the total amount of such sums from the average yearly amount paid out on account of said fund, ascertained by taking all moneys paid out on account of said fund for the three preceding years, and the remainder shall be the amount needed for the "firemen's relief and pension fund" of such county, city and county, city or town, for the ensuing year, and which amount so found shall be raised by a tax to be levied and caused to be collected by the board of supervisors, or other governing authority, as hereinafter immediately set forth.

The board of supervisors or other governing authority of every county, city and county, city or town, must annually, at the time and in the manner of levying other county, city and county, city or town taxes, levy and cause to be collected for the county, city and county, city or town "firemen's relief and pension fund," a tax, to be known as the county, city and county, city or town "firemen's relief and pension fund tax," the maximum rate of which tax must not exceed two cents on each one hundred dollars of taxable property in such county, city and county, city or town, nor must the minimum rate be less than sufficient to raise the amount estimated by the Board of Firemen's Pension Fund Commissioners to be necessary to be raised as hereinabove particularly set forth; *provided*, that all moneys provided herein to be paid into said "firemen's relief and pension fund," shall be paid into and become a part thereof and shall be used for no other purposes than such as are in this act set forth; *provided, however*, that the board of supervisors or other governing authority of any such county, city and county, city or town may, by proper procedure, borrow and transfer from said fund to another fund, but any sum so borrowed shall be returned to said fund upon request of the Board of Firemen's Pension Fund Commissioners.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "plus," on line 10, Section 6, fifth page, printed bill, and inserting in lieu thereof the following: "surplus."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all of Section 7, fifth page, printed bill, and inserting in lieu thereof the following:

SEC. 7. All Acts and parts of Acts inconsistent with this Act, except the Act of which this Act is amendatory, are hereby repealed.

SEC. 8. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor.

Bill ordered withdrawn from Committee on Ways and Means, and placed on file.

Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

During second reading of bill, the following amendment was submitted by the committee:

Adding to said bill a new section numbered Section 5 as follows:
SECTION 5. This Act shall take effect and be in force ten days from and after its passage and approval.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day ordered returned to you, as per request Assembly Concurrent Resolution No. 12—Relating to charter amendments of the City of Los Angeles.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

On motion of Mr. Stanton, Assembly Concurrent Resolution No. 12 was ordered to reprint and engrossment.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "based," on line 38, tenth page, printed bill, the following words, to wit: "and like evidence of the right of the plaintiff to recover in the action."

Amendment adopted.

AMENDMENT No. 2.

Adding to said bill a new section numbered section five, as follows:
SECTION 5. This Act shall take effect and be in force ten days from and after its passage and approval.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 205—An Act to amend an Act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, to provide for the payment of the same, approved March 9, 1897, by amending Section 1 thereof, relating to the refunding of indebtedness of incorporated cities or towns, and the issue of bonds of such city or town therefor, and the denomination of the bonds.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants, and other municipal securities which have becom defaced or mutilated.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

During second reading of bill, the following amendments were submitted by the committee:

In printed bill, on line 68, page 5, insert after word "choral-hydrate" a comma, after which strike out the word "or."

Amendment adopted.

Also:

On same line, after word "acetanialide," insert a comma and the words "digitalis, nitro-glycerine, or any other narcotic or poisonous drugs."

Amendment adopted.

Also:

On line 82, page 5, after the word "hydrate," strike out the word "or."

Amendment adopted.

Also:

After the word "acetanialide" insert the words "digitalis or nitro-glycerine or any other narcotic or poisonous drugs."

Amendment adopted.

Also:

On line 2, Section 6, page 6, the word "quaranty" should be changed to "guaranty."

Amendment adopted.

Also:

On line 70, fifth page, printed bill, after the word "therein," insert "excepting however the prescriptions of regularly licensed physicians in the State of California."

Amendment adopted.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 531 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions—and do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

Bill read second time, ordered to print and engrossment, and later to Committee on Ways and Means.

Assembly Bill No. 129—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting a comma after the word "Assembly," in the enacting clause.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "including attending physicians," on line 69, seventh page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting the words "the county where" after the word "of" on line 89, eighth page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "distributor," and before the word "A," the word "lives," on line 89, eighth page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting the words "and physician," after the word "officer," on line 105, eighth page of printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "the secretary of" on line 2, Section 18, ninth page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting the word and figure "Rule 2," on line 19, Section 20, tenth page, printed bill.

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the word and figures "Section 20," on line 1, Section 20, thirteenth page, printed bill, and inserting in lieu thereof the following: "Section 21."

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out the word and figures "Section 21," on line 1, Section 21, fourteenth page, printed bill, and inserting in lieu thereof the following: "Section 22."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the word and figures "Section 22," on line 1, Section 22," fourteenth page, printed bill, and inserting in lieu thereof the following: "Section 23."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 76—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Bill passed on file.

Assembly Bill No. 440—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

AMENDMENT No. 2.

On line 219, seventh page, printed bill, after the word "than," strike out the word "three," and insert in lieu thereof the word "two."

Amendment adopted.

AMENDMENT No. 3.

On line 231, page 7 of printed bill, after the word "within," strike out the word "three," and in lieu thereof insert the word "two."

Amendment adopted.

AMENDMENT No. 4.

On page 5, line 145, after the word "registered," strike out the word "or," and insert a comma, and after the word "copyrighted," insert the words "or trademarked."

Amendment adopted.

AMENDMENT No. 5.

On page 5, line 147 of printed bill, after the word "officer," insert "nor to the sale of proprietary medicines, when manufactured under the supervision of a registered pharmacist in the State of California, for which trade marks may have been filed with the Secretary of State of California by the Board of Pharmacy, as described in Section 16 of this Act."

Amendment adopted.

AMENDMENT No. 6.

On page 8 of the printed bill, after line 262, add a new section, to read as follows: "Section 18*a*. Any registered assistant pharmacist having five years' experience as such assistant may be registered as a licentiate in pharmacy upon making application therefor and furnishing credentials of such experience satisfactory to the Board of Pharmacy."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 14, page 4 of printed bill, after the word "tansy," insert the word "pennyroyal."

Amendment adopted.

AMENDMENT No. 2.

On page 4, line 8 of Section 9, strike out the word "pennyroyal."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting the word "of" after the word "or," in line 4 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "terms of lease may be changed by notice," where they appear in italics in line 3 of Section 1 of printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 59—An Act to amend Article I, Section 827 of the Civil Code, relative to change of terms of leases of lands or tenements from month to month.

Mr. Kohlman asked for and was granted unanimous consent to withdraw Assembly Bill No. 59.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 459—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend by striking out the word "six," in line 7, of Section 2, of the printed bill, and insert in lieu thereof the word "nine."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "six," in line 11, of Section 1, of the printed bill, and insert in lieu thereof the word "nine."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 563—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk,' approved March 16, 1889, and authorizing the Treasurer of State to appoint one clerk, at an annual salary of $1,600," approved March 26, 1895.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury and judgment of the court in forcible entry or forcible or unlawful detainer cases.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 358.—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate contracts on behalf of the State, in relation to erections and buildings,' approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof," approved March 27, 1895.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title by striking out the word "elections," in line 3 of the title of the printed bill, and insert in lieu thereof the word "erections."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding to the title as follows: "And an Act amendatory thereof, approved March 20, 1905."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 393—An Act to amend Section 486 of the Civil Code.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 241—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend Section 2 of the printed bill by striking out the entire section and inserting in lieu thereof the following:

"Within thirty days after the passage of this Act, the Governor shall appoint a Board of Osteopathic Examiners consisting of five members, his appointments to be made from a list of fifteen resident practicing osteopathic physicians, recommended to him by the Osteopathic Association of the State of California (incorporated); said list of names to be the result of a general ballot by mail, of the members of said association, and to consist of the fifteen receiving the highest number of votes. All osteopathic physicians licensed and actively engaged in practice in this State shall be entitled to membership in said association. The secretary of said association shall, on the passage of this Act, and thereafter, ninety days preceding the expiration of the term of office of any member of the board, notify all members of the association to return a ballot containing a list of three names for each appointment. The polls shall remain open for ten days, being the fifteenth to the twenty-fifth day from the date of mailing the notifications. In case of vacancy by death or otherwise, there shall be appointed, in a like manner, a person to serve through such unexpired term. No person who is a stockholder, professor, director, trustee, or in any manner pecuniarily interested in any college

of osteopathy within the State of California, shall be eligible to appointment as a member of said board. Each member of said board shall serve thereon for a term of two years, and until his successor is appointed, except in the case of the first board, on which two (2) members shall serve for two (2) years, and three (3) for three (3) years, as specified in their appointment."

Amendment adopted.

AMENDMENT No. 2.

After the comma after the word "repute," in line 7, of Section 4 of the printed bill, insert the following: "and all persons who have completed twenty months' work in osteopathic colleges in this State."

Amendment adopted.

AMENDMENT No. 3.

In line 16, Section 4, of the printed bill, strike out the words "August 1st, 1901," and insert in lieu thereof "the passage of this Act."

Amendment adopted.

AMENDMENT No. 4.

In line 22, of Section 4, of the printed bill, after the word "applicant," strike out all as far as the semicolon after the word "subject," in line 24, and insert in lieu thereof: "must make an average grade of seventy-five per cent on the whole examination."

Amendment adopted

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 91—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 341—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "nine," on line 5, first page, printed bill, and inserting in lieu thereof the following: "nineteen."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 366—An Act to amend an Act entitled an Act to provide for the organization and management of county fire insurance companies, approved April 1, 1897, by amending Sections 7, 10, and 12 thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of the title and insert in lieu thereof as follows:

"An Act to amend an Act entitled an Act to provide for the organization and management of county fire insurance companies, approved April 1st, 1897, by amending sections seven, ten, eleven and twelve thereof."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "one," in line 6, of Section 2 of the printed bill, and insert in lieu thereof the word "an."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after line 22, page 2 of printed bill, as follows:

SECTION 3. Section 11 of an Act entitled an Act to provide for the organization and management of county fire insurance companies is hereby amended to read as follows:

Section 11. Every member of such company who may sustain loss or damage by fire, shall immediately notify the president, or in his absence, the secretary thereof, stating the amount of damages or loss sustained or claimed, and if not more than five hundred dollars, then the president and secretary shall proceed to ascertain the amount of such loss or damage, and adjust the same. If the claim for damage or loss be an amount greater than five hundred dollars, then the president of such company, or in his absence, the vice president, or in the absence of both, the secretary thereof, shall forthwith convene the board of directors of such company, whose duty it shall be when convened to appoint a committee, of not less than three disinterested members of such company, to ascertain the amount of such damage or loss. If in either case there is a failure of the parties to agree upon the amount of such damage or loss, they shall submit the question of the amount of such loss to arbitration. The president of the company shall appoint one disinterested person to act as an arbitrator, and the claimant or insured shall appoint another, and if such two arbitrators fail to agree upon the amount of such loss, then they shall select a third disinterested person to act with them. Such arbitrators so appointed shall have full authority to examine witnesses, and shall do all other things necessary to the proper determination of the amount of loss sustained by the claimant, and shall make their award in writing to the president of the company, and such award so as aforesaid made shall be final as to the amount of the loss sustained.

The pay of said committee shall be three ($3.00) dollars per day for each day's services so rendered, and five cents for each mile necessarily traveled in the discharge of their duties, which shall be paid by the claimant, unless the award of such committee shall exceed the sum offered by the company in liquidation of such loss or damage, in which case such expense shall be paid by the company.

Amendment adopted.

Bill read second time, and ordered to print and engrossment

Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Bill read second time, and ordered to engrossment.

THIRD READING OF BILLS.

Senate Bill No. 164—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 164 finally passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Cogswell, Collister, Costar, Cullen, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lucas, McConnell, McKeon, McMullin,

O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 315—An Act amending Section 1503 of the Political Code of the State of California, relating to normal school diplomas.

During the third reading of the bill, Mr. Thompson of Los Angeles moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Insert after the word 'training," on line 8, page 1 of the printed bill, the words "or a domestic science."

AMENDMENT No. 2.

Strike out of line 9, page 1 of printed bill, the words "such department," and insert in lieu thereof the following: "either of such departments."

AMENDMENT No. 3.

Insert after the word "state," on line 18, page 1 of the printed bill, the following: "One from the domestic science department shall entitle the holder to a certificate to teach any domestic science class in any public school in the State."

The motion carried.

The Speaker appointed Mr. Thompson of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 315, with instructions, do now report that the instructions of the Assembly have been carried out.

THOMPSON of Los Angeles, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint, reëngrossment, and on file for passage.

SECOND READING OF BILLS.

Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and providing for the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.

During second reading of bill, Mr. Drew moved to amend as follows:

AMENDMENT No. 1.

Amend by inserting in Section 1, on line 38, second page, printed bill, as engrossed, after the word "if," the following: "in."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "any" of Section 1, on line 38, second page, printed bill, as engrossed, and inserting in lieu thereof the following: "the."

Amendment adopted.

AMENDMENT NO. 3.

Amend by inserting in Section 1, line 42, page 2, of printed bill, as engrossed, after the word "transferred," the following: "remove, or cause to be removed."

Amendment adopted.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds and the filing and acceptance of new bonds in lieu thereof.

Bill read second time, and ordered on file for third reading.

Assembly Joint Resolution No. 4—Relative to the relief of San Francisco.

Joint resolution passed on file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1907.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Also: Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

Also: Assembly Bill No. 84—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

WALSH, Chairman.

The above reported bills ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended, and be re-referred to the Committee on Ways and Means.

HELD, Chairman.

Assembly Bill No. 296 referred to Committee on Ways and Means.

ON COMMERCE AND NAVIGATION.

The following report of the Committee on Commerce and Navigation was received and, without being read, ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

Mr. Speaker and Members of the Assembly of the State of California.

Your Committee on Commerce and Navigation beg leave to report that said committee, pursuant to your resolution authorizing it to visit the harbor of San Francisco for the purpose of making investigation in relation to Assembly Bills No. 91 and No 265, met in the rooms of the Board of Harbor Commissioners in San Francisco, on Friday, February first, at two o'clock P. M. There were present Messrs. Cutten (Chairman), Fratessa, Kohlman, Thompson, Toomey, and Wilson. Messrs. Chas. H. Spear and John D. Mackenzie of the Honorable Board of State Harbor Commissioners, together with W. H.

Davis, Esq., and Lott D. Norton, Esq., respectively attorney and chief engineer of said board, met with your committee. A thorough investigation was made as to the true location of the boundary line on East Street, between Washington and Jackson streets, which required a study of numerous maps in the possession of the State Board of Harbor Commissioners and an inspection of the property in question. W. Wood, Esq., appeared for the property owners on East Street and stated that the purpose of Assembly Bill No. 265 was to empower the State board to quitclaim all interest of the State in the property bounded by Washington, Drumm, Jackson, and East streets for and in consideration of a deed to a strip of land ten feet in width on the west side of East Street for the purpose of widening the sidewalk on said street, which said strip had been for many years previous to the fire of April, 1906, occupied by buildings. The property owners contend that the case of *Burr* vs. *Dana*, reported in 22 Cal. 1, established beyond question their title in fee to the property in question and as a matter of fact the State has no interest in the property which it is asked to quitclaim. An examination of this case together with the Act of March 26, 1851, known as the Water Lot Act, in which the Government reservation covering this land was expressly excepted (though confirming existing leases of property in said reservation executed by the United States) does not warrant your committee without the production of the original documents or an abstract showing the chain of title, to direct and empower the State board to make the transfer requested. Your committee thinks that it is a matter that might properly be referred to the Attorney-General of the State. If the State has no interest in the property it would be an idle act to quitclaim. If it has an interest, that interest should be protected. Your committee, therefore, recommends that Assembly Bill No. 265 do not pass in its present form. Your committee can see, however, an advantage in establishing the line of East Street, between Washington and Jackson streets, but feel that the present bill is not in the form that your committee deems advisable to approve.

Your committee investigated the conditions of the amateur aquatic organizations which ask the passage of Assembly Bill No. 91, and believe that the Board of State Harbor Commissioners should be given discretionary powers to assign these organizations spaces on the water front for definite periods.

Your committee was waited on by Mr. James McNab and Captains Tibbetts and Madsen, members of the citizens' committee, who discussed the needs of the harbor and furnished your committee with reports and much valuable information.

The special committee presented a strong report favoring an appropriation of $500,000 for harbor improvements.

Your committee spent Saturday in inspecting the wharves and buildings along the water front.

C. P. CUTTEN, Chairman.
S. F. KOHLMAN.
PAUL F. FRATESSA.
D. J. TOOMEY
AMES A. WILSON.
HENRY THOMPSON.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

Unanimous consent having been obtained therefor, the following bills were introduced, and referred as indicated:

By Mr. Walsh (by request): Assembly Bill No. 670—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 10, 1897, and all Acts amendatory thereof relating to the salaries of the county and township officers in counties of the third class, and repealing all conflicting Acts.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Kelly: Assembly Bill No. 671—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Otis: Assembly Bill No. 673—An Act to amend an Act, entitled "An Act to provide for the alteration of the boundaries and for the annexation of territory to incorporated towns and cities and for the

incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Fisher: Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Bill No. 675—An Act to amend Sections 3804 and 3805 of the Political Code, relating to the refunding of taxes and the cancellation of certificates of tax sales.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Devlin: Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Kohlman: Assembly Bill No. 677—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At three o'clock and thirty minutes P. M. the Speaker declared no further business before the House and the Assembly adjourned until nine o'clock and thirty minutes A. M. of Thursday, February 7, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 7, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin,

Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—72.

Quorum present.

PRAYER.

Prayer was offered by Rev. W. F. Reagor, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Beckett, its further reading was dispensed with.

APPROVAL OF JOURNAL.

The Journal of Monday, February 4, 1907, was read, and, on motion of Mr. Transue, approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following resolution correctly engrossed:

Assembly Concurrent Resolution No. 13—Approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22d day of January, 1907.

HANS, Chairman.

Concurrent resolution ordered transmitted to the Senate.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY, CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 140—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Assembly Bill No. 143—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Also: Assembly Bill No. 144—An Act to provide for making repairs, and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.

Also: Assembly Bill No. 161—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Assembly Bill No. 162—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Also: Assembly Bill No. 163—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

PYLE, Chairman.

The above reported bills, all carrying appropriations, referred to Committee on Ways and Means.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 525—An Act to appropriate money for the purpose of constructing object lesson oiled roads in different sections of the State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FINNEY, Chairman.

Assembly Bill No. 427 ordered on file for second reading.

Assembly Bill No. 525 referred to Committee on Ways and Means.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SPAULDING, Chairman.

Assembly Bill No. 466 ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors—report the same back and recommend its passage.

Also: Assembly Bill No. 378—An Act to amend Section 1388 of the Civil Code, relating to succession to the estates of illegitimates—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No 379—An Act to add a new section to the Penal Code, to be numbered Section 928*a* and relating to the powers of grand juries—and recommend that it do not pass.

Also: Assembly Bill No 573—An Act to amend Section 1181 of the Penal Code of the State of California, by adding a new subdivision thereto, to be numbered 8, relating to granting of new trials—and recommend its passage.

Also: Assembly Bill No. 42—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers—and recommend that it do not pass.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Kohlman:

WHEREAS, The members seated at the east end of the Assembly Chamber under the gallery and adjacent thereto, have great difficulty in understanding the business being transacted in the Assembly; and

WHEREAS, There is a large space directly in front of the Clerk's desk now occupied by the newspaper reporters solely by leave of the Assembly, which could be used by the members; and

WHEREAS, The said newspaper reporters could attend to their business just as promptly and easily in the east end of the Assembly Chamber as in the place now occupied by them, and with much more comfort to themselves; therefore, be it

Resolved, That the Sergeant-at-Arms be and he is hereby directed to move the desks of the newspaper reporters to the east end of the Assembly Chamber and to move the desks of the members now arranged under the gallery to the space now occupied by the newspaper reporters.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

BERRY, Chairman.

Mr. Berry moved the adoption of the report of the committee.

The roll was called, and the report refused adoption by the following vote:

AYES—Messrs. Berry, Birdsall, Boyle, Bush, Campbell, Cogswell, Collister, Cutten, Davis, Devlin, Drew, Leeds, Lucas, Lynch, McKeon, O'Brien, Percival, Pierce, Pyle, and Stetson—20.

NOES—Messrs. Butler, Chandler, Coghlan, Costar, Finney, Fisher, Forbes, Hartmann,

Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lemon, Ludington, McClellan, McConnell, Otis, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—35.

Mr. Kohlman moved the adoption of the resolution reported upon.

Resolution adopted.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. PRESIDENT: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

Also: Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot, at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 222—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State"—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

ESTUDILLO, Chairman.

The above reported bills, with the exception of Assembly Bill No. 222, ordered on file for second reading.

Assembly Bill No. 222 referred to Committee on Judiciary.

ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley, of Tulare Lake and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts and condemnation of property therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PERCIVAL, Chairman.

The above reported bills ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 66—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipments and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 65—An Act to provide for the erection of an aseptic and sanitary dairy barn and to purchase and install necessary furnishings and machinery therein, at the Southern California State Hospital, and to make appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Assembly Bill No. 236—An Act to provide for repairing the bath-tubs and toilets and laying a cement flooring in the lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 234—An Act to provide for the erection of a cottage on the farm of the Stockton State Hospital, for installing a heating plant in the same, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, with the recommendation that the authors thereof be permitted to withdraw the same.

HELD, Chairman.

The above reported bills with the exception of Assembly Bills Nos. 236 and 234, referred to Committee on Ways and Means.

WITHDRAWAL OF BILLS.

Mr. Speaker asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 236 and 234, above reported upon.

Bills withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON REVISION AND REFORM OF LAWS.

Supplemental Report on Code Revision Bills on Third-Reading File.

SACRAMENTO, February 7, 1907.

To the Assembly:

GENTLEMEN: Your Committee on Revision and Reform of Laws, to which was referred for consideration the code revision bills, begs leave to file a supplemental report with reference to those already reported, and states the changes and reasons for the changes of the respective bills, as follows:

Assembly Bill No. 291. Section 2104, C. C. P.

This section is repealed because there have heretofore been two sections covering the same subject which were somewhat conflicting, and the two sections have been amalgamated into Section 573, which is the subject of Senate Bill No. 321.

Assembly Bill No. 178. Section 1349, C. C. P.

The words "who must appear and qualify" toward the end of the section, are omitted, and in their place are inserted "unless they or either of them have renounced their rights to letters, and if no." The following words have been added at the end thereof: "In the order, the court must ascertain and determine whether said estate is worth more or less than ten thousand dollars, which determination is conclusive for the purpose of giving notice to creditors but for no other purpose." The object of this last amendment is to require the court to find the value of the estate in so far as it is necessary for the purpose of fixing the time for which notice to creditors must be given.

Section 1350, C. C. P.

The final clause respecting the renouncement by executors was omitted and the matter provided for in new Section 1350*a*.

Section 1350a, C. C. P.

See note to Section 1350.

Section 1351, C. C. P.

The words "estate or," in line 3 of section, on page 2, of the printed bill, are inserted before "will," the reason being self-evident.

Assembly Bill No. 384. Section 384, Civil Code.

There are two sections in the Civil Code containing identical language, one being 384, and the other 404; 384 is not in the proper place, and 404 is. Sec. 384 is therefore, repealed, leaving Sec. 404 intact, and a proviso is added in the repealing Act, so that any rights acquired under Sec. 384 shall not be lost, but shall be continued in force under the provisions of Sec. 404.

Assembly Bill No. 179. Section 1339, C. C. P.

The amendment inserts after the word "testator" the following: "or to have been destroyed by him when he was not of sound and disposing mind."

Assembly Bill No. 180. Section 1371, C. C. P.

The amendment consists in omitting after the word "petition," on line 11, page 1, of the printed bill, the words: "and are afterwards proved in the course of administration," because no means are provided for ascertaining what subsequent proofs are made, and the words omitted add nothing but doubt to the section.

Section 1379, C. C. P.

The amendment consists in adding after the word "entitled," on line 5 of the section, page 2 of the printed bill, the following: "or to a person who would be entitled if a resident of the State." This amendment avoids the narrow construction put upon the section by the Supreme Court and, it is believed, expresses the real intent of the Legislature.

Section 1383, C. C. P.

The amendment to this section is made by inserting after the word "them," in the section, the words "whether the person so requesting is a resident or non-resident of the State."

Assembly Bill No. 181. Section 1328, C. C. P.

The words "of a regular term" are omitted, because there are no terms of court.

Section 1329, C. C. P.

The amendment strikes out the words "personal service of the citation having been made upon any" and inserts in lieu thereof "proof having been made of service of the citation upon all of the," lines 4 and 5, page 2, of the printed bill.

Assembly Bill No. 182. Section 1328, C. C. P.

The words "clerk of the court" are substituted for "court or judge," in line 7, page 1, of the printed bill, making the section correspond to the practice set forth in Section 1303 of the Code of Civil Procedure.

Assembly Bill No. 183. Section 1300, C. C. P.

The word "legatees" is inserted in line 7, page 1 of the printed bill. Inasmuch as the devisees are already named in the statute, there is no question but that the word "legatees" was omitted through oversight.

Assembly Bill No. 184. Section 1269, C. C. P.

The word "possessed" has been substituted for the word "seized," line 16, page 2 of the printed bill.

The words "claimant and possessor" have been substituted for the word "person" at the beginning of line 22, page 2, of the printed bill.

The words "prior to the expiration of such time" are inserted on lines 28 and 29, page 2, of the printed bill.

The desirability of these changes is manifest. They require the summons, when an estate is claimed to have escheated, to be directed to the claimant and to the occupant, and make the publication sufficient if for one month *prior to the hearing.*

Section 1270, C. C. P.

The words "of such estate or any part thereof," after the word "charge," on line 37, page 2, of the printed bill, are added, it being evident that if a receiver is to take charge the relief should be complete and he should not be confined simply to the right to receive rents.

Section 1271, C. C. P.

The words "is the owner of the property" are substituted for the words "be seized," line 47, page 2, of printed bill. The word "property" is substituted for the words "land and tenements," line 53, page 3, printed bill. The words "is the owner and entitled to the possession thereof" are inserted in place of the words "be seized thereof," lines 55 and 56, page 3, of the printed bill.

The words "who have appeared and answered" are inserted after the word "defendants," on line 57 page 3, of the printed bill, in order to compel the dismissal of such defendants as have not appeared and answered.

The words "property, unless it consists of money" are substituted for the words "real property," in order to include all kinds of property, real, personal and mixed, except money, on lines 60 and 61, page 3, of printed bill.

The word "or" is substituted for the word "and," on line 68, page 3, of printed bill, to correct an evident mistake.

The words "of ten per cent" after the word "offer," on line 73 of the printed bill, are stricken out, thus re-opening the bidding and preventing the necessary escheating to the State if any amount in excess is bid.

Section 1272, C. C. P.

Omits the words "married woman" * * * "or persons beyond the limits of the United States," from the saving clause, there being now no disabilities with reference to said persons.

WYATT, Chairman.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of Califor-

nia, and providing penalties for the violation hereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DREW, Chairman.

Assembly Bill No. 340 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No 341—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Assembly Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Assembly Bill No. 91—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Assembly Bill No. 361—An Act to amend the Penal Code of the State of California by adding three new sections thereto, to be numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Concurrent Resolution No. 7—Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

Also: Senate Bill No. 401—An Act providing for the extermination of the Boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions.

Also: Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Also: Senate Bill No. 10—An Act appropriating a sum of seven thousand dollars for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Also: Senate Bill No 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1044, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899 all relating to elections.

Also: Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Also: Senate Bill No. 372—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Senate Bill No. 374—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Also: Senate Bill No. 375—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Also: Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the boards of trustees and to the officers of the municipalities of the sixth class.

Also: Senate Bill No. 149—An Act to amend an Act entitled "An Act to authorize any city, or city and county, of this State to take its census."

Also: Senate Bill No. 161—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities and towns.

Also: Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Also: Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Also: Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof, and settlement therefor by said clerks, and creating a library fund in District Courts of Appeal.

Also: Senate Bill No. 287—An Act to amend Sections 330 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Mr. Stanton moved that the consideration of Senate Concurrent Resolution No. 7 be now proceeded with.

Motion carried.

SENATE CONCURRENT RESOLUTION No. 7,

Approving four certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein on the fourth day of December, 1906.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California, on the 31st day of January, 1889, (Statutes of 1889, p. 455); and

WHEREAS, The city council of said City of Los Angeles, did, by Ordinance No. 13394, (New Series), adopted by said city council on the 3rd day of October, 1906, and approved by the mayor of said city on the 3rd day of October, 1906, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles the four certain amendments hereinafter set forth to the charter of said city, to be submitted to said qualified electors at a general municipal election, to be held in said city on the 4th day of December, 1906; and

WHEREAS, Said four proposed amendments hereinafter set forth were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to-wit: "The Los Angeles Daily Journal," said publication ending on the twenty-third day of October, 1906; and

WHEREAS, Thereafter the city council of said city did, by an ordinance designated as Ordinance Number 13610 (New Series), which was duly adopted on the nineteenth day of November, 1906, order the holding of a general municipal election in said City of Los Angeles on the fourth day of December, 1906, (at least forty days after the publication of said four proposed amendments hereinafter set forth for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to-wit: "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said four proposed amendments to the said charter, to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the mayor of said city on the nineteenth day of November, 1906, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon, voted in favor of the ratification of, and did ratify each and all of said four proposed amendments hereinafter set forth to said charter; and

WHEREAS, The City Council of said City of Los Angeles, at regular and at special meetings thereof, held within ten days after said election, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon, had voted for and ratified each and all of the said four proposed amendments to said charter; and,

WHEREAS, The Mayor and City Clerk of said City of Los Angeles did, on the twenty-second day of January, 1907, duly certify to the submission to the electors of said city of said four proposed amendments to said charter, and to the ratification of said four amendments, and did further certify to a copy of said four proposed amendments, authenticated by the seal of the said City of Los Angeles, which said certificate is in the words and figures following, to-wit:

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, } ss.
CITY OF LOS ANGELES, }

We, the undersigned, A. C. Harper, Mayor of the City of Los Angeles, State of California, and Harry J. Lelande, City Clerk of said city, do hereby certify and declare as follows:

That the City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year 1889, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the legislature of the State of California on the 31st day of January, 1889. (Statutes of 1889, page 455);

That the City Council of the City of Los Angeles did, by Ordinance No. 13394 (New Series), adopted by said City Council on the 3rd day of October, 1906, and approved by the mayor of said city on the 3rd day of October, 1906, and pursuant to Section 8 of Article XI, of the Constitution of the State of California, duly propose to the qualified electors of the said City of Los Angeles four certain amendments to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the 4th day of December, 1906; which said amendments were and are in the words and figures following, to-wit:

AMENDMENT NUMBER ONE.

That section sixty-five of the charter be amended to read as follows:

Sec. 65. The officers of the city shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments at the end of each calendar month:

The Mayor shall receive $3,600 per annum.
Each Councilman shall receive $1,200 per annum.
The City Clerk shall receive $2,400 per annum.
The City Auditor shall receive $3,000 per annum.
The City Assessor shall receive $2,400 per annum.
The City Treasurer shall receive $2,400 per annum.
The City Engineer shall receive $5,000 per annum.
The City Attorney shall receive $3,000 per annum.
The Chief of Police shall receive $3,000 per annum.
The Health Officer shall receive $3,600 per annum.
The City Tax and License Collector shall receive $3,000 per annum.
Each member of the Board of Public Works shall receive $3,600 per annum.

That Subdivision (c) of section one hundred and forty-three of the charter be amended to read as follows:

(c) The board shall appoint a secretary, not a member of the board, who shall receive an annual salary of $2,400, payable in equal monthly installments. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

That Subdivision (*h*) of section one hundred forty-three of the charter be amended to read as follows:

(*h*) The Board of Public Works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated as the City Engineer. He shall receive a salary of $5,000 per annum, and shall hold office at the pleasure of the board. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform such other surveying or engineering work, as may be required by said board or by the City Council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the City Engineer. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.

AMENDMENT NUMBER TWO.

That a new section be added to the charter, to be known as section one hundred forty-six and one half, and to read as follows:

Sec. 146½. The Board of Public Works shall have power to acquire and take by purchase, condemnation or otherwise, in the name of the city, any and all property that may be necessary or convenient for the construction or completion of any public work or improvement, the construction or completion of which the Board of Public Works has charge, superintendence or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by said city.

That section one hundred and forty-eight of the charter be amended to read as follows:

Sec. 148. All contracts for the performance or furnishing of labor, material or supplies, required for the execution of any service of which the Board of Public Works has charge, superintendence or control, or for the construction or completion of any work or improvement of the construction or completion of which said board has charge, superintendence or control, except public work or improvements, the cost or expenses of which are to be paid by assessment upon property in proportion to frontage or benefits and except as hereinafter provided, shall be let and entered into in behalf of the city by the board in the following manner:

Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, upon the passage of the resolution authorizing such contract, cause a notice to be posted conspicuously in its office and published one or more times in a newspaper of general circulation printed and published in the City of Los Angeles, inviting sealed bids for the performance or furnishing of the labor, service, materials or supplies required. Said notice shall require the bids to be filed with the board at or before a certain hour of a day to be specified in the notice, and shall contain a general description of the work, service, materials or supplies to be performed or furnished, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, materials or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board for an amount not less than five per cent. of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received. The board shall award the contract to the lowest regular, responsible bidder, or shall reject all bids. The board shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular, responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract, or to execute the bond required for the faithful performance thereof, within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city. Every contract entered into by the board shall first be approved as to form by the City Attorney, and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of materials or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the presi-

dent or by two of the members of the board and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor and by a responsible surety company or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board, a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise, without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than $500, the resolution of the council authorizing the same, shall, before it takes effect, be approved by the Mayor; *provided, however*, that authorization or approval by the council or the Mayor shall not be required in the case of any contract proposed to be made by the board, after advertisement for and inviting bids, as above provided, for the performance or furnishing of labor, materials or supplies required for the construction or completion of any work or improvement, of the construction or completion of which the said board has charge, superintendence or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by the city; *and provided, further*, that authorization or approval by the council or Mayor, or advertisement for or inviting bids shall not be required in the case of any contract proposed to be made by the board for the performance or furnishing of labor, materials or supplies required as aforesaid, when such contract does not involve an expenditure of more than five hundred dollars.

That a new section be added to the charter, to be known as section one hundred and fifty, and to read as follows:

Sec. 150. The Board of Public Works shall present to the City Council at its meeting in the second week of December in each year, a report for the year ending on the thirtieth day of November next preceding, which shall show the amount of money received from the sale of bonds, the purposes for which such money has been expended, the amount so expended, and the balance on hand in each bond fund, and also, such information and suggestions as it may deem of general interest; and the Board of Public Works shall also, on or before the tenth day of each month make out and present to the City Council a similar statement of all expenditures during the preceding month of the moneys derived from the sale of bonds.

That a new section be added to the charter, to be known as Section 151, to read as follows:

Sec. 151. When the construction or completion of any public work or improvement, the cost of which is to be paid out of the proceeds of the sale of bonds, is to be carried on outside the City of Los Angeles, and the Board of Public Works shall deem it necessary or convenient that any part of the money to be expended for the cost of such work or improvements shall be disbursed at any point or points outside said city, said board may appoint a disbursing agent, whose duty it shall be to disburse such money, in the manner hereinafter specified. The said disbursing agent shall enter into and deliver to the said board a bond payable to the city, in a sum to be fixed by said board, conditioned for the faithful performance of his duties, executed by himself, and by a responsible surety company, or if required by the board, by two or more sufficient sureties approved by the board, and said board may, from time to time, require from said disbursing agent, a new bond, or such additional bond as it may deem proper. Said board shall, after the execution and delivery of such bond, by resolution, authorize the payment and delivery to said disbursing agent of such sum of money as it may deem proper, and said sum shall thereupon be paid to said disbursing agent by the City Treasurer upon a demand approved by the board as in other cases out of the fund from which the cost of said work or improvement is to be paid, and the receipt of said disbursing agent therefor shall release the City Treasurer from all liability for the money so paid; *provided, however*, that said board shall not authorize the payment to said disbursing agent of any money which, together with the moneys already paid to him and remaining unexpended as herein provided, shall exceed fifty per cent of the amount of the bond of said disbursing agent.

That said disbursing agent shall thereafter pay out said money as may be required in the prosecution of said work for services or for material and supplies, but no money shall be paid by him except upon order of said Board of Public Works and upon vouchers or demands certified to be correct by the officer or agent of the city under whose direction the services are rendered or the materials or supplies used.

Said disbursing agent shall, on or before the tenth day of each calendar month, and at such other times as may be required by said Board of Public Works, render to said board an account showing the amount of money in his hands on the first day of the preceding calendar month, all amounts received, and all moneys disbursed by him during said preceding month, and the amount of money remaining in his hands on the last day of said preceding month.

Said disbursing agent shall perform such other duties and comply with such rules and regulations as the Board of Public Works may prescribe. Said agent shall be exempt from the provisions of the civil service, and shall receive such salary as the council by ordinance may fix.

That section two hundred and nine of the charter, be amended to read as follows:

Sec. 209. Said demands, except demands payable out of the School Fund, the Library Fund, Water Revenue Fund or funds derived from the sale of bonds issued by the City of Los Angeles, shall be presented to the council on forms and blanks to be provided by the City Clerk, and shall be referred to its Committee on Finance. The said committee shall, by endorsement thereon, approve or reject the same in whole or in part. The council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the council shall be endorsed thereon, with the date of such action, and certified by the signature of the President and City Clerk; *provided*, that it shall require the votes of two-thirds of the members of the whole council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

That a new section be added to the charter, to be known as section two hundred thirteen and three-quarters, and to read as follows:

Sec. 213¾. All demands payable out of funds derived from the sale of bonds issued by the City of Los Angeles to pay the cost of constructing or completing any public work, improvement or building must be presented to the Board of Public Works, and, before they can be approved by the City Auditor or paid, must be previously approved by the Board of Public Works, by a vote of two members thereof, taken by the ayes and noes, spread upon the minutes of the board, and the action of said board must be endorsed on said demand by the president and secretary thereof, or in the absence of the president, by two members and the secretary thereof. After the approval of said demands by the Board of Public Works, they shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference to demands payable out of funds derived from the sale of bonds, as are prescribed for other demands; *provided*, that in case the City Auditor shall reject any of such demands, or if, in his opinion, said demands should be paid only in part, he shall return the same to the Board of Public Works, instead of to the council.

That section two hundred fourteen of the charter be amended to read as follows:

Sec. 214. Any demand returned to the City Clerk, with the objections of either the Mayor or City Auditor, shall again be considered by the council, and if it shall again be approved by the council by the same vote taken and recorded and endorsed in the same manner as required by Section 209 hereof, the said objection shall be thereby overruled. Any demand returned to the Board of Education, the Board of Directors of the Los Angeles Public Library, the Board of Public Works, or the Board of Water Commissioners, with the objections of the Auditor, shall again be considered by such board, and if such demand be again approved, as required in the first instance, such objections of the said Auditor shall be thereby overruled. Any demand, the objections to which of the Mayor have been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor. Any demand the objection to which of the City Auditor has been overruled by the council, the Board of Education, the Board of Directors of the Los Angeles Public Library, the Board of Public Works, or the Board of Water Commissioners, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

That section two hundred twenty-two of the charter be amended to read as follows:

Sec. 222. No suit shall be brought on any claim for money or damages against the City of Los Angeles, its Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or the Board of Water Commissioners, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall any suit be brought against said city, or said Board of Education, Board of Directors of the Los Angeles Public Library, Board of Public Works, or Board of Water Commissioners, upon any claim or demand that has been in whole approved and audited as to provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceedings against the City Council, or any board or officer of said city, to compel it or him to act upon such claim or demand or to pay the same when so audited.

AMENDMENT NUMBER THREE.

That a new section be added to the charter, to be known as section two hundred and thirty-seven and one-half, and to read as follows:

Sec. 237½. Any civil service employé who is injured in the service of the city while actually engaged in the discharge of the duties of his position may, in the discretion of the Board of Civil Service Commissioners, be assigned to a position other than that for which he has been examined, and with or without examination. Said commissioners, upon assigning such person so injured to such new position, shall place his name at the head of the eligible list, and he shall thereafter be first certified for such position. The Board of Civil Service Commissioners shall not place such person so injured as aforesaid at the head of any eligible list without

carefully examining the facts of each case, and making its finding that such person is not incompetent by reason of physical or other disability, to fill the same. Nothing in this provision shall be construed as compelling said commission to take the action herein provided for unless the person injured is, in the judgment of said commission, of good moral character and worthy of receiving the benefits hereof.

That section two hundred and thirty-nine of the charter be amended to read as follows:

Sec. 239. The provisions of this article shall apply to the following departments of the city, to-wit:

The Department of the City Clerk,
The Department of Electricity,
The Fire Department,
The Treasurer's Department,
The Tax Collector's Department,
The Police Department,
The Auditor's Department,
The Assessor's Department,
The Health Department,
The Department of Building,
The Department of Public Works,
The Waterworks Department,
The Public Library,
The Park Department,
The City Engineer's Department,
The Street Department,
All Departments of Public Utilities,
All other employees of the city,
Provided, that the following shall be exempt therefrom, to wit:
All officers elected by the people,
All members of the different boards and commissions,
The Mayor's Clerk,
The Chief of Police and his Secretary,
The Chief Deputy of the Treasurer,
The City Engineer and his Chief Deputy,
The Chief Deputy and Cashier of the Tax Collector,
The Chief Deputy of the Auditor,
The City Superintendent of Schools and his deputies and teachers,
The assistants and stenographers of the City Attorney,
The City Prosecutor and the Assistant City Prosecutor,
The Librarian,
The Superintendent of Parks,
The Secretary of the Park Commission,
The Secretary of the Police Commission,
The Superintendent of Buildings,
The Humane Officer,
The Chief Engineer of the Fire Department,
The Superintendent, Water Overseer, Auditor and Cashier of the Waterworks Department,
All physicians appointed on or by the Board of Health,
All officers of election,
The Police Surgeons;

And any of the following persons may be exempted from the provisions of this article, upon the request of the head of the department in which they are employed, by order of the Board of Civil Service Commission, approved by the council by resolution passed by the vote of two thirds (2-3) of all its members, to wit: (*a*) The first and second deputies in any department or either of such deputies where not exempt as above provided. (*b*) Unskilled laborers, including drivers. (*c*) Persons employed on the construction of public works, improvements, or buildings. (*d*) Persons employed to render professional, scientific, technical or expert services of an occasional and exceptional character. Any exception thus made may be terminated at any time by resolution of the Board of Civil Service Commissioners.

AMENDMENT NUMBER FOUR.

That Section 212 of the charter be amended to read as follows:

Sec. 212. All demands payable out of the school fund must, before they can be approved by the City Auditor, or paid, be previously approved by the Board of Education, by a vote of five members thereof taken with the ayes and noes and spread on the minutes, and the action of said board indorsed on said demand and signed by the presiding officer and the clerk thereof. After the approval of said demands they shall be delivered to the City Auditor, who shall have the same powers and perform the same duties in reference to demands payable out of the school fund as is provided for other demands; *provided*, that in case the City Auditor shall reject any such demand, or if in his opinion said demand should be paid only in part, he shall return the same to the Board of Education, instead of the council.

That said four proposed amendments were, and each of them was, published for

twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit, "The Los Angeles Daily Journal," and that said publication ended on the 23rd day of October, 1906;

That thereafter the City Council of said city did, by Ordinance No. 13610 (New Series), which was duly adopted on the nineteenth day of November, 1906, order the holding of a general municipal election in said City of Los Angeles on the 4th day of December, 1906, (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said four proposed amendments herein above set forth to the said charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was approved by the Mayor of said city on the nineteenth day of November, 1906, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city;

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of the four proposed amendments to the charter of the City of Los Angeles hereinabove set forth;

That the City Council of the City of Los Angeles, at regular and at special meetings thereof, and within ten days after said election, which said regular and special meetings were held in the manner prescribed by law, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said four proposed amendments to said charter hereinabove set forth;

We do further hereby certify and declare that the copy of said four proposed amendments to the charter of the City of Los Angeles, hereinabove set forth, is a full, true and correct copy of the four certain proposed amendments to the charter of the City of Los Angeles, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at the general municipal election duly called and held in said city on the 4th day of December, 1906, as aforesaid;

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the corporate seal of the City of Los Angeles, this 22nd day of January, 1907.

[SEAL.]

A. C. HARPER,
Mayor of the City of Los Angeles.
HARRY J. LELANDE,
City Clerk of the City of Los Angeles.

AND WHEREAS, the said four proposed amendments so ratified, as hereinabove set forth, have been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said amendments to the said charter of said City of Los Angeles hereinabove set forth, as presented, and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved, as a whole, for and as amendments to the said charter of said City of Los Angeles.

Concurrent resolution read.

The roll was called, and Senate Concurrent Resolution No. 7 adopted by the following vote:

AYES—Messrs. Beckett, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—59.

NOES—None.

Concurrent resolution ordered transmitted to the Senate.

Senate Bill No. 401 read first time, and referred to Committee on Agriculture.

Senate Bill No. 351 read first time, and referred to Committee on Judiciary.

Senate Bill No. 10 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 62 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 481 read first time, and referred to Committee on Judiciary.

Senate Bill No. 372 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 374 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 375 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 430 read first time, and referred to Committee on Health and Quarantine.

Senate Bill No. 49 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 124 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 149 read first time, and referred to Committee on Education.

Senate Bill No. 161 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 176 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 8 read first time, and referred to Committee on Universities.

Senate Bill No. 382 read first time, and referred to Committee on Judiciary.

Senate Bill No 287 read first time, and referred to Committee on Judiciary.

WITHDRAWAL OF CONCURRENT RESOLUTION.

Mr. Stanton asked for and was granted unanimous consent to withdraw Assembly Concurrent Resolution No. 12, it being identical with Senate Concurrent Resolution No. 7, just adopted.

Concurrent resolution withdrawn, and ordered stricken from the file.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Lynch: Assembly Bill No. 678—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 679—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 680—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 681—An Act to add a new section to the Political Code of the State of California, to be known as Section 2644*a*, relating to the oath and bond of road overseers.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 682—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Johnson of Sacramento: Assembly Bill No. 683—An Act to pay the claim of C. S. MacMullan.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 684—An Act making it a misdemeanor for any street railroad company or person operating street cars in any city or town in the State of California, or any conductor, agent or employé of such company, or person, to collect fare from any passenger until such passenger is provided with a seat in the car or other conveyance in use.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 685—An Act to amend Section 132 of the Civil Code, Title One of Part One, Chapter II, Article III, relating to actions for divorce.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 686—An Act to amend Subdivision 15 of Section 162 of an Act entitled "An Act to amend Section 162 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and amended March 19, 1903," approved March 20, 1905.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 687—An Act to pay the claim of Herman Steinman against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 688—An Act to amend Section 607*e* of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Held: Assembly Bill No. 689—An Act to repeal an Act to create a State Board of Charities and Corrections, prescribing its duties and powers and appropriating money therefor.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Hewitt: Assembly Bill No. 690—An Act in relation to fees of county recorders in recording documents or writings for water users' associations incorporated in conformity with the direction of the United States under the Act of Congress approved June 17, 1902; and relating to the use of printed matter or blanks by such recorders.

Bill read first time, and referred to Committee on Federal Relations.

Also: Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals, and excavations to the United States, over the public lands of this State.

Bill read first time, and referred to Committee on Federal Relations.

By Mr. Stetson: Assembly Bill No. 693—An Act to amend Section 2165*a* of the Political Code of the State of California, relating to actions and suits on account of acts and commissions in the discharge of official duty.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure to be numbered 981, relating to costs on appeal to superior courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Otis: Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Smith: Assembly Bill No. 698—An Act to add a new section to the Penal Code of the State of California, to be known as Section 401*b*, relating to exits in buildings used for public assemblages.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Stanton: Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement or utility.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271*a*, relating to the subject of escheated estates.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Coghlan: Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532*a*, defining the meaning of the words "average daily attendance."

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 702—An Act to promote the safety of employés and travelers upon railroads, by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 703—An Act to amend the Political Code of the State of California, by adding thereto a new section, to be known as Section 618*a*, providing for application of the securities authorized and required under Section 618 of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 704—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wyatt: Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Beardslee: Assembly Bill No. 707—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to said Political Code, to be designated as Section 881, to provide for a uniform term of office for certain public officers and officials, whose office is or has been created by Act of the Legislature of this State, where the appointment of such officer or official is given by law to the Governor, or to the Governor with the advice and consent of the Senate; and to provide for the termination of the present term of office of such officer or official or officials; and to provide for the appointment of their successors in office, and the duration of their terms of office, respectively, and also for the removal of such appointees; and to prevent the restraining or delaying of such appointments, or the restraining or delaying of the taking possession of any such office by any appointee; and to repeal all Acts or parts of Acts inconsistent with this Act.

Bill read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was granted leave of absence to visit "such public buildings as they deemed essential," have visited the buildings of the following-named institutions, viz.: The State Normal School at San Diego, the State Polytechnic School at San Luis Obispo, the Custom House and other buildings at Monterey, the State Normal School at San José, and the State Normal School at Los Angeles.

The following members are entitled to mileage for the same, to wit: 1,304 miles for traveling, as follows:

Sacramento to San Diego, 573 miles; San Diego to Los Angeles, 126 miles; Los

Angeles to San Francisco, 475 miles; Castroville to Monterey, 40 miles; San Francisco to Sacramento, 90 miles:

Nathan C. Coghlan	$130 40
Robson O. Bell	130 40
Mel Vogel	130 40
Guy W. Smith	130 40
W. F. Ludington	130 40
Charles M. Fisher	130 40
Louis Strohl	130 40
E. N. Baxter	130 40
S. H. Beckett	130 40
F. H. Hartmann	130 40
P. A. Johnson	130 40
Total	$1,434 40

And your committee asks that the following resolution be adopted:

"*Resolved*, That the Controller be and he hereby is directed to draw his warrant in favor of E. M. Pyle, chairman of said committee, for the sum of $1,434.40, as per above statement; said warrant to be drawn upon the fund for contingent expenses of the Assembly, and that the Treasurer be and he is hereby directed to pay the same."

COGHLAN, Acting Chairman.

Report and resolution, on motion of Mr. Pyle, referred to Committee on Mileage.

RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That the State Printer be and he is hereby directed to print three hundred copies of all chapters and retain the same at the printing office until after the close of the session, when the list shall have been completed, and then deliver the same to the Chief Clerk to distribute to the members.

Resolution read and, on motion, adopted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings—have had the same under consideration and respectfully report the same back, and recommend that it do pass.

McGUIRE, Chairman.

Assembly Bill No. 159 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. CHAIRMAN: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 393—An Act to amend Section 456 of the Civil Code.

Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relative to the verdict of the jury, and judgment of the court, in forcible entry, or forcible or unlawful detainer cases.

Assembly Bill No. 563—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to increase the number of clerks for the limited period of six months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk,' approved March 16, 1889, and authorizing the Treasurer of State to appoint one clerk at an annual salary of sixteen hundred dollars," approved March 26, 1895.

Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Assembly Bill No. 459—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto and taxation thereof.

Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants, and other municipal securities which have become defaced or mutilated.

Assembly Bill No. 205—An Act to amend an Act authorizing the common council, board of trustees, or other governing body of any incorporated city or town, other than cities of the first class, to refund its indebtedness, to issue bonds therefor, to provide for the payment of the same, approved March 9, 1897, by amending Section 1 thereof, relating to the refunding of indebtedness of incorporated cities or towns and the issue of bonds of such city or town therefor and the denomination of the bonds.

Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an Assembly Hall at the Preston School of Industry," approved March 22, 1905.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

THIRD READING OF BILLS.

Assembly Bill No. 233—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers, in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Mr. Stetson asked for and was granted unanimous consent to withdraw Assembly Bill No. 233.

Bill withdrawn and ordered stricken from the file.

Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill read third time.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Wyatt moved a call of the House.

Motion carried.

Time, ten o'clock and fifty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—69.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Lucas was brought before the bar of the House and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and ten minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Stanton.

The roll of absentees was then called.

Whereupon the Speaker announced that Assembly Bill No. 501 was refused passage by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Forbes, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Smith, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Weske, and Whitmore.—40.

NOES—Messrs. Barry, Beban, Beckett, Boyle, Coghlan, Collister, Cullen, Finney, Fisher, Fratessa, Hans, Hartmann, Jury, Kelly, Kohlman, Lemon, McGuire, Pierce, Root, Sackett, Stanton, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Wessling, Wilson, Wyatt, and Mr. Speaker—30.

NOTICE OF MOTION TO RECONSIDER.

Mr. Wyatt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 501 was this day refused passage.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Mr. Weske asked for and was granted unanimous consent to withdraw his motion to reconsider the vote whereby Assembly Bill No. 217 was passed.

Motion withdrawn.

Bill ordered transmitted to the Senate.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 403—An Act in relation to the attendance of pupils in the high schools of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 403 refused passage by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Boyle, Coghlan, Cornish, Cullen, Drew, Finney, Forbes, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Kohlman, McKeon, McMullin, O'Brien, Root, Snyder, Strohl, Toomey, Wessling, and Wilson—29.

NOES—Messrs. Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Estudillo, Fisher, Fratessa, Hans, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wyatt, and Mr. Speaker—39.

NOTICE OF MOTION TO RECONSIDER.

Mr. Campbell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 403 was this day refused passage.

Assembly Bill No. 60—An Act creating and defining the liability of railroad corporations for injuries to employés, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 60 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—70.

NOES—None.

Title read.

AMENDMENT OF TITLE.

On motion of Mr. Johnson of Sacramento, the following amendment to the title of Assembly Bill No. 60 was submitted:

Amend by striking out first line of title, printed bill, and inserting in lieu thereof the following: "An Act creating and defining the liabilities of firms, persons, or corporations operating railroads."

Amendment adopted.

Title read as amended, and approved.

Bill ordered to print and reëngrossment.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 15—An Act to add a new section to the Penal Code of California, to be known as Section 337*b*, authorizing the recovery by suit of money put up, staked, or lost at gaming.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 15 passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Pyle, Root, Sackett, Smith, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—46.

NOES—Messrs. Beban, Beckett, Cullen, Kelly, Stanton, Stetson, Strohl, Toomey, Wessling, and Wilson—10.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454—An Act to amend Section 348 of the Code of Civil Procedure of California, relating to the time within which actions must be commenced.

Bill ordered to the foot of third-reading file.

Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 167 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Bill No. 398 was made a special order for eleven o'clock A. M. of Tuesday, February 12, 1907.

Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 30 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Boyle, Butler, Campbell, Collister, Cornish, Cullen, Davis, Devlin, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Bishop, Case, Cogswell, Cutten, Drew, Johnson of San Diego, Leeds, Lucas, Otis, Percival, Pierce, Pyle, Stanton, Stetson, Strobridge, Thompson of Los Angeles, and Transue—17.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

Assembly Bill No. 184—An Act to repeal Title VIII of Part III of the Code of Civil Procedure and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to duties of the Superintendent of Public Instruction.

Assembly Bill No. 96—An Act to amend an Act entitled "An Act to establish a Political Code, approved March 12, 1872," by amending Section 737 thereof, relating to the salaries of judges of the Superior Court.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the text-book committee.

HANS, Chairman.

The above reported reëngrossed bills were ordered on file for passage.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered 7½.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 306 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Cutten, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Transue, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 383 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Collister, Cornish, Cullen, Devlin, Drew, Forbes, Hammon, Hans, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wyatt, and Mr. Speaker—50.

NOES—Mr. Cutten—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205—An Act to amend an Act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, to provide for the payment of the same, approved March 9, 1897, by amending Section 1 thereof, relating to the refunding of indebtedness of incorporated cities or towns, and the issue of bonds of such city or town therefor, and the denomination of the bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 205 refused passage by the following vote:

AYES—Messrs. Barry, Beban, Campbell, Case, Held, Thompson of San Francisco, and Wessling—7.

NOES—Messrs. Berry, Birdsall, Bishop, Boyle, Butler, Cornish, Costar, Cullen, Cutten, Devlin, Fisher, Fratessa. Hammon, Hans, Hartmann, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stetson, Strohl, Transue, Vogel, Walsh, Whitmore, Wyatt, and Mr. Speaker—41.

Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants, and other municipal securities which have become defaced or mutilated.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 528 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Butler, Campbell, Case, Collister, Cornish, Costar, Cullen, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Mr. Bishop—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge but no provision is made for the appointment or election of such police judge.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 565 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Lucas, Ludington, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Mr. Kohlman—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 485 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cornish, Costar, Cutten, Davis, Drew, Fratessa, Hartmann, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle,

Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—53.
NOES—Mr. Strobridge—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 459 passed by the following vote:

AYES—Messrs Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 581 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, John, Kelly, Leeds, Lucas, Ludington, Lynch, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 563—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to increase the number of clerks for the limited period of six months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk,' approved March 16, 1889, and authorizing the Treasurer of State to appoint one clerk at an annual salary of $1,600," approved March 26, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 563 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hans, Hartmann, Held, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury and judgment of the court in forcible entry or forcible or unlawful detainer cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 406 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cullen, Cutten, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393—An Act to amend Section 486 of the Civil Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 393 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361—An Act to amend the Penal Code of the State of California by adding three new sections thereto, to be numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 361 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, O'Brien, Percival, Root, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 341 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Forbes, Hans, John, Johnson

of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 141—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and providing for the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 141 finally passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, Otis, Pyle, Root, Smith, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wyatt, and Mr. Speaker—49.

NOES—Messrs. Beban, Kohlman, Spaulding, and Wessling—4.

Title read and approved.

Bill ordered transmitted to the Senate.

BILL RECALLED FROM COMMITTEE.

Mr. Wilson moved that Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners—be recalled from the Committee on Commerce and Navigation and placed on Senate Special File, as the bill is identical with Assembly Bill No. 91, heretofore favorably reported by said committee.

Motion carried.

WITHDRAWAL OF BILL.

Mr. Wilson asked for and was granted unanimous consent to withdraw Assembly Bill No. 91.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 311 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Drew, Fisher, Forbes, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Jury,

Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, Otis, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 310 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Smith, Snyder, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 447—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds and the filing and acceptance of new bonds in lieu thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 447 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Smith, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—55.

NOES—Mr. Held—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officrs, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members, as delegates to the National Conference of Charities and Corrections, and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other States, and to pay the necessary expenses thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the word "proceeding," in line 4, of Section 1, of the printed bill, the words, "civil or criminal."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 437—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive, to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "representing," on line 4, of Section 1, of the printed bill, the words " with intent to deceive.

Amendment adopted.

AMENDMENT No. 2.

Amend by adding the following to line 4, page 2, printed bill: "or by imprisonment in the county jail for not less than twenty days or six months, or by both fine and imprisonment."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 548—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,'" approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 81—An Act to add a new section to the Political Code, to be numbered 2641*a*, and relating to the election of highway officers in counties of the forty-eighth and fifty-first classes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 84—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "new section" on line 1, first page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Bill read second time, and ordered to engrossment.

THIRD READING OF BILLS.

Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

During the third reading of the bill, Mr. Wyatt moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by inserting after the word "will," on line 7, Section 1, page 1, of printed bill, the following: "and heirs residing in the State, so far as known to the petitioner or their guardians, if any of them are minors."

Motion carried.

The Speaker appointed Mr. Wyatt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 180, with instructions, do now report that the instructions of the Assembly have been carried out.

WYATT, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to print and reëngrossment.

Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

During the third reading of the bill, Mr. Wyatt moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Amend by striking out of line 9, Section 1, page 1, of the printed bill, the word "descendent," and inserting in lieu thereof the following: "decedent."

AMENDMENT No. 2.

Amend by inserting after the word "them," on line 7, Section 3, page 2, of the printed bill, the following: "whether the person so requesting is a resident or non-resident of the State."

Motion carried.

The Speaker appointed Mr. Wyatt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 181, with instructions, do now report that the instructions of the Assembly have been carried out.

WYATT, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to print and reëngrossment.

Assembly Bill No. 184—An Act to repeal Title VIII, of Part III, of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

During the third reading of the bill, Mr. Wyatt moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Amend by striking out of Section 1, page 1, printed bill, the word "section" at the beginning of lines 8, 9, and 10.

AMENDMENT No. 2.

Amend by striking out the first word of line 56, page 3, of printed bill, and inserting the following: "therefore."

Motion carried.

The Speaker appointed Mr. Wyatt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 184, with instructions, do now report that the instructions of the Assembly have been carried out.

WYATT, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to print and reëngrossment.

MESSAGES FROM THE GOVERNOR.

On motion of Mr. Stanton, messages from the Governor were taken up and read, as follows:

EXECUTIVE DEPARTMENT, SACRAMENTO, CALIFORNIA.

To the Assembly of the State of California.

GENTLEMEN: Bills have been introduced in both the Senate and Assembly to create a department, to be known as the Department of Engineering. The purpose is to have the engineering, building, and construction work of the State placed directly under the charge of one department, instead of having it left with several commissions. By doing so, better results can be accomplished at a less cost to the State The engineering work of the State at present is performed by the Department of Highways, Board of Public Works, Débris Commission, and San Francisco Harbor Board. The monthly salaries of the Department of Highways is $515.00; of the Board of Public Works, $890.00: of the Débris Commission, $75.00, and the San Francisco Harbor Board, $650.00. The several amounts do not not include field assistants.

The total salaries of the engineering department of the State amount to the sum of $2,130 per month.

Besides this amount there is expended by the State for architectural fees and outside engineering about $20,000 per annum. Thus there is expended for this branch of the State service, in salaries and fees, the sum of $45,590 per annum, and this amount will steadily increase.

Under modern methods of construction, the sciences of engineering and architecture are so allied that they can well be, and they should be, under one departmental head.

The making of all plans for public work, at least so far as the same affects our State institutions, numbering twenty or more, the improvement of our rivers and harbors, the construction of highways and bridges, should be under one department. This department should not only prepare all plans, but with the advice and approval of an advisory

board, should make all estimates, let all contracts, and supervise all work for which contracts are let. By doing this there would not only be a large saving in salaries and architectural fees, but a very large saving in the cost of the work to be performed, with the assurance that better work would be done.

There would also be kept in one office all plans of buildings, all contracts let, and all the reports of engineers and architects affecting public work, and in doing so a proper check can better be kept of all work coming under its supervision. While, as stated before, there would be a large saving to the State in the way of salaries and fees, it is also unquestionably true that placing all this engineering and architectural work under one efficient responsible head will result in saving many thousand dollars annually by insuring a strict compliance with the terms of all public contracts.

At the present time much of the work done at our public institutions is accepted by the board or commission having control of the same. From the fact that those men are unskilled and unfamiliar with engineering or architectural affairs, it necessarily follows that they are likely to be misled and deceived as to the kind and character of the work performed.

The recent earthquake has exposed in a striking manner the inadequacy of our present system—much of the loss suffered by the State by the total or partial destruction of some of its institutions is directly traceable to defective work done in the construction thereof. Had there been a responsible head, skilled in such work, whose duty compelled him to honestly determine the kind and character of the work done, much of this loss would have been avoided and many lives saved.

These institutions are about to be repaired or reconstructed, and it is a duty incumbent upon us to see that former mistakes are avoided. The bills referred to provide a scheme which in a large degree removes the possibility of a repetition of our former mistakes.

The establishment of a Department of Engineering, as provided in said bills, commends itself favorably to me.

I feel confident that better results can be obtained for the State, and large sums of money saved to the taxpayers. I commend the said bills to your most careful consideration, trusting that you will take such action thereon as to your judgment appears to be for the best interests of the business of the State.

Should this measure creating the Department of Engineering meet your approval I would commend to your favorable consideration the bill introduced amending Section 2521 of the Political Code. The purpose of this amendment is to place the Engineer of the Board of Harbor Commissioners of San Francisco under the control of the Department of Engineering.

I would further commend to your favorable consideration the bill amending "An Act to regulate contracts on behalf of the State, in relation to erections and buildings." The object to be attained by this amendment is to harmonize this measure with the Act establishing a Department of Engineering. I desire, however, to particularly direct your attention to the amendment proposed in Section 3 of the above Act. Under the present law it is provided that all contracts must be let in seven subdivisions. Bids must be received and contracts let for the work embraced in each subdivision. The reception or acceptance of bids for the performance of the entire work is prohibited. Under these circumstances, the State is most seriously handicapped. It is undoubtedly true that in many instances the State, if permitted, would receive bids for the entire work which would be less than the aggregate of the separate bids. This being so, it is unwise and unfair to the State to prescribe a method of bidding which may and oftimes does prevent the State from obtaining the best terms upon public contracts.

As our duty is primarily to the State of California, and not to the contractors, I would suggest that the amendment embraced in Section 3 of the above Act be adopted. It will permit the advisory board of the Department of Engineering to submit all bids in an alternative form, and places it within their power to adopt the one that will result in the greatest benefit and saving to the people of the State of California.

J. N. GILLETT,
Governor of the State of California.

Dated February 7, 1907.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled:

Assembly Bill No. 173—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session—and was presented to the Governor February 7, 1907, at three o'clock and thirty minutes P. M.

HANS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 404—An Act to amend Title I of Part IV of the Civil Code of the State of California by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens.

Assembly Bill No. 244—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Assembly Bill No. 101—An Act to amend Sections 3346 and 3346*a* of the Civil Code, and to add thereto a new section, to be denominated Section 3346*b*, all relating to the measure of damages for injuries to timber and timber lands.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605.

Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains.

Assembly Bill No. 349—An Act to amend Sections 4332 and 4333 of the Political Code of the State of California, relating to fees of public officers.

Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

Assembly Bill No. 527—An Act entitled "An Act to amend Section 671 of the Civil Code."

Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.

Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of the decedents.

Assembly Bill No. 275—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known and designated as Section 602½, relating to the tearing down of fences and the opening of gates, bars and fences and the hunting upon lands of another, and the killing, maiming or wounding of any animal, and the leaving of camp fires burning or unextinguished.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

MOTION TO AMEND RULES.

Mr. Johnson of Sacramento moved to amend the Standing Rules of the Assembly as follows:

Add thereto the following:

"Rule 79—No committee shall hold any meetings during the sessions of the Assembly unless by leave of the Assembly first had and obtained."

Subject-matter referred to Committee on Rules and Regulations for consideration and report.

ADJOURNMENT.

At five o'clock and ten minutes P. M. the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Friday, February 8, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 8, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—62.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Transue, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. Beckett, Fratessa, Kohlman, Hewitt, Thompson of San Francisco, Bell, Eshleman, Percival, and Coghlan.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 5, 1907, was read, and, on motion of Mr. Transue, approved as corrected by the Minute Clerk.

PRIVILEGES OF THE FLOOR.

On motion, the privileges of the floor were extended to Mr. Carruthers.

PETITION.

The following petition was received and ordered printed in the Journal:

PASO ROBLES, January 26, 1907.

To Warren M. John, Member of the Assembly:

The Sunday closing law which is now being agitated in this State, and upon which measure your honorable body will no doubt be asked to act, will, if passed, be a great drawback and detriment to all classes of business, as well as to the country at large, in this portion of the State; especially so, owing to the fact that the surrounding country is occupied by farmers, many of whom are by their work compelled to do their trading and transact their business on Sunday.

We, the undersigned citizens and voters of the County of San Luis Obispo, State of California, therefore most earnestly and respectfully request your honorable body to refuse the passage of a Sunday law in this State.

Very respectfully submitted.

George F. Spurrier, R. W. Putnam, John Joaquin, Chas. H. Arnold, A. G. Ohan, J. W. Morehouse, H. Clemons, Robt. Thorton, W. S. Staley, A. J. Speigle, John Scaggan, Dr. J. A. Elder. John Word, W. A. Clarke, John T. Seyton, Cres Poulson, L. E. Williams, F. S. Maze, R. Espada, —— McAlister, A. Mader, F. D. Hardenbugh, A. Monteith, Chas. Vissier, Louis Carriere, Henry Wreden, J. H. Weathers, Martin Iverson, W. J. Armstrong, C. H. Little, O. O. Aeorline, Harry H. Emerson, A. F. Pruess, L. Brenckle, J. H. Van

Wormer, T. W. Henry, C. Seideman, C. Klassen, W. L. Biehl, Nona Pickering, J. E. Cliff, Jacob Beer, Paul Pfister, A. Pfister, George Bryan, Roy Handley, Otto Kitchen, J. A. Lovegren, C. Ronconi, W D. Wood, M. H. Kitchens, J. G. Blackwood, W. C. Henderson, Geo. M. Jessee, B. B. Pierce, A. Brenlin, T. Brooks, J. Muckensturn, P. D. Bilton, H. O'Neil, Wm. T Kleian, F. Butts, H. H. Bogs, Frank Blackburn, J. L. Silveria, J. F. McKama, E. B. McIntire, F. S. Forington, H Blackburn, T. F. Abbey Jr., Jery Meryman, R. Merriman, John Merryman, H. Nelson, R. C. Hollinger, C. F. Iverson, E. Hawkins, Geo. Liddle, V. D. Gaxiola, W. A. Johnson, H. Weeks, J. W. Miller, R. Unger, W. G. Gates, S. D. Merk, Alex Webster, Lyman Brewer, W. S. Lewis, T. How, Otto Tavs, H. Manderville, C. K. Calling, C. Grover, H. M. Lowe, John Adams, Chas. Cox, Ed. Maze, Geo. Hubbard, W. M. Toney, Jas. E. Merryman, A. J. Fallman, A. Arena, Wm. T. Rudesill, W. S. Eddy, J. R. Avila, D. L. Elliott, L. Kalisky, Wm. H. Rudesill, A. Bresler, F. Sparks, E. M. Bennett, S. H. Bunch, Jas. C. Fonterman, J. W. Slater, Chas. G. Putnam, R. W. Gano.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Assembly Bill No. 519—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of work for the irrigation of land embraced within such district, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BISHOP, Chairman.

Assembly Bill No. 519 ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the resolution to purchase Codes, and which purchase was recommended by this committee, beg leave to report that the Codes have been purchased and delivered to the members, and recommend the adoption of the accompanying resolution.

BERRY, Chairman.

ACCOMPANYING RESOLUTION.

Resolved, That the Controller of the State be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of the H. S. Crocker Company for the sum of $1,700, in payment of the bill attached hereto, for eighty-five sets of the Codes and General Laws, and the Treasurer is directed to pay the same.

ATTACHED BILL.

SACRAMENTO, January 28, 1907.

Chief Clerk Assembly,

To H. S. CROCKER COMPANY, Dr.

85 sets Codes @ $20 00 ..... $1,700 00
(Penal, Civil, Civil Procedure, Political, General Laws.)

Mr. Transue moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Hammon, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Ludington, Lynch, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 246—An Act to prevent a minor child misrepresenting his age to procure intoxicating liquors.

Also: Assembly Bill No. 354—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 357*a*, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing, or running race between horses, mares, or geldings, and providing the punishment for the violation thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

BECKETT, Chairman.

The above reported bills ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 455—An Act providing that in any city or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Also: Assembly Bill No. 415—An Act providing that in any city, or city and county, in this State, where by general law or by charter the Board of Police Commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair and impartial, and providing certain procedure for such hearing, and providing that superior courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 463—An Act authorizing any incorporated city, town or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use, lands and other necessary property, for the purpose of constructing, equipping, using, maintaining and operating, and to construct, equip, use, maintain, and operate, any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling or transporting materials or supplies required in the construction or completion of any public work, improvement or utility, or for the purpose of maintaining or operating any such work, improvement or utility—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also: Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Concurrent Resolution No. 14—Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

JURY, Chairman.

The above reported bills ordered on file for second reading, with the exception of Assembly Concurrent Resolution No. 14.

Mr. Cutten moved that the consideration of Assembly Concurrent Resolution No. 14 be now proceeded with.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION No. 14.

Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

WHEREAS, The City of Eureka, in the County of Humboldt, State of California, has at all times mentioned herein been, and now is, a municipal corporation of said state containing a population of more than three thousand five hundred inhabitants, and is now and has been ever since the second Monday of July, A. D. 1905, organized and acting under a freeholders' charter adopted under and by virtue of Section 8, of Article XI, of the Constitution of the State of California—which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 26th day of January, 1895, and approved by the Legislature of the State of California on the 12th day of February, 1895, (Statutes of 1895, pages 355 to 405, inclusive) and which said charter has never been amended; and,

WHEREAS, The legislative authority of said City of Eureka, to-wit: the council of said city, did by an ordinance by it passed on the 18th day of April, 1895, and approved by William S. Clark, the mayor and chief executive of said city on the 18th day of April, 1905, and pursuant to Section 8, Article XI of the Constitution of the State of California, duly proposed to the qualified electors of said city two certain amendments to such charter of said City of Eureka; and,

WHEREAS, Said ordinance containing said proposed amendments to said charter was duly published for twenty days after its passage and approval in the Daily Humboldt Times, a daily newspaper printed, published and generally circulated in the City of Eureka aforesaid; and,

WHEREAS, A general municipal election was held in said City of Eureka on the 19th day of June, A. D. 1905, which date was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and

WHEREAS, In and by said ordinance so passed, approved and published as aforesaid, said proposed charter amendments were submitted to the qualified electors of said city at said general municipal election; and,

WHEREAS, On the 20th day of June, 1905, at a meeting of said council of said City of Eureka, duly convened in accordance with law, and with the provisions of said charter of said city, said mayor and council of said City of Eureka, did duly and regularly canvass the returns of said general municipal election so held on the 19th day of June, 1905, and did find therefrom that each of said proposed amendments to said charter were duly ratified by the majority of electors voting thereon; and,

WHEREAS, Said mayor and said council after canvassing said returns, and at said meeting so held as aforesaid for said canvass, did duly find and declare that each of said proposed charter amendments had been ratified by a majority of the electors voting thereon; and,

WHEREAS, Said amendments so ratified by the electors of said City of Eureka at said general municipal election of June 19th, 1905, are now submitted to the legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of Section 8, Article XI of the constitution of the State of California; and are in the words and figures following, to-wit:

CHARTER AMENDMENT No. 1 TO THE CHARTER OF THE CITY OF EUREKA.

Article III, Section 43¼, The Initiative.

The basis of the percentage hereinafter provided for any petition shall be the total number of voters registered in the city at the last preceding general election prior to the filing of said petition; and all voters registered at said general election or thereafter shall be qualified to sign the petition herein provided for.

Upon presentation to the city council of a petition or petitions signed by qualified electors of the city, in number equal to 10 per cent of said registration, asking for submission to the electors of a measure fully set forth in said petition or petitions, being a measure that the city council might itself adopt, it must either enact such measure without alteration, or submit the same to the electorate at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions. But if such petition or petitions are signed by qualified electors in number equal to 20 per cent of said registration, then such measure, if not so enacted by the city council must be submitted to the electorate at a special election to be called within sixty days from the filing of such petition or petitions.

If such proposed measure is a measure that the city council might adopt, except for the fact that it involves the repeal or amendment of a measure adopted by the electorate, as herein provided, and if in such case said petition or petitions are signed by qualified electors in number equal to 25 per cent of said registration, then such proposed measure must be submitted to the electors of the city at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions.

The method of signing and presenting petitions provided for herein shall be as follows: The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number.

Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within twenty days from the date of filing such petition in his office the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the city council shall allow him extra help for the purpose, and he shall attach to said petition his certificate, showing the result of said examination. Each signature whose genuineness is not called in question by the sworn affidavit of the owner thereof shall be assumed to be genuine. If by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within twenty days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice however, to the filing of a new petition to the same effect. If the petition shall be found sufficient, the clerk shall submit the same to the city council without delay.

Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section more than one special election in any period of six months. Whenever any measure is required or authorized by this charter to be submitted to the electors of the city, at any election, the city clerk shall cause the measure to be printed, and he shall inclose a printed copy thereof in an envelope and shall mail the same to each voter, at least ten days prior to the election, but the city council may order such measure to be printed in the official newpaper of the city, and published in a like manner as ordinances adopted by the city council are required to be published; and may order that such publication shall take the place of the printing and mailing of the measure, as first above provided.

CHARTER AMENDMENT NO. 2 TO THE CHARTER OF THE CITY OF EUREKA.

Article III, Section 43½, The Referendum.

Any measure that the city council or the electorate of the city, as herein provided, has authority to adopt, the city council may of its own motion submit to a vote of its constituent electors at a general or special election.

Except as herein provided, no penal ordinance or measure, no ordinance or measure granting any franchise or privilege, and no ordinance or measure making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessments, and contracts where the subject matter involved is of less value than $1000), passed by the city council, shall go into effect in less than thirty days after its final passage.

But ordinances and contracts declared by the city council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, passed by a three-fourths vote of the city council, and not obligating the city for a longer period of time than one year, may go into effect at the will of the city council or as otherwise provided by law.

If within said thirty days a petition or petitions signed by qualified electors of the city in number equal to 10 per cent of said registration, is filed with the city clerk, asking that any penal ordinance or measure, any ordinance or measure granting any franchise or privilege, or making or authorizing any contract (except contracts for improvements, the expenses whereof are defrayed by special local assessment, and contracts where the subject matter involved is of less value than $1000), adopted by the city council, is submitted to the electorate, then such ordinance or measure must either be repealed or submitted to the electors for approval or rejection at the next regular city election occurring subsequent to sixty days after the filing of said petition or petitions, or at a special election called prior to such regular city election; and if such ordinance or measure has not gone into effect before the filing of such petition or petitions, and said petition or petitions are signed by qualified electors of the city, in number equal to 15 per cent of said registration, then such ordinance or measure shall not go into effect until and unless adopted at such election, and no ordinance or measure once so submitted shall be again so submitted, except by a vote of the city council, or a petition signed by 25 per cent of said registration.

Said petition or petitions shall be in all respects in accordance with the provisions of Section 43¼ except as to the percentage of signers, and be examined and certified by the clerk in all respects as therein provided.

If a majority of votes cast on any ordinance or measure referred as provided in Sections 43¼ or 43½ herein, to the electors of the city, shall be in favor thereof, it shall, if not already in effect, go into effect as a valid and binding ordinance or measure of the city, ten days after the official count shall be determined, otherwise such ordinance or measure shall be repealed or rejected; such repeal shall take effect ten days after the official count shall be determined. No ordinance or measure approved by the electorate under the provisions of these sections shall be subject to veto, or be amended or repealed except by vote of the electorate or by legislative authority superior to that of the city council.

If the provisions of two or more measures approved and adopted at the same election, under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

Now therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected voting for and concurring herein, that said amendments to the charter of the City of Eureka, as proposed to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of the said City of Eureka, aforesaid.

Assembly Concurrent Resolution read.

The roll was called, and Assembly concurrent resolution No. 14 adopted by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Hammon, Higgins, John, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Assembly Concurrent Resolution No. 14 ordered transmitted to the Senate.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 389—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court—report the same back, and recommend its passage.

Also: Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title—with two amendments, and recommend its passage as amended.

Also: Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support—with one amendment, and recommend its passage as amended.

Also: Senate Bill No. 88—An Act to amend Section 270 of the Penal Code, and to add two new sections thereto, to be numbered 270*a* and 270*b*, relating to the neglect and abandonment of minor children by parents, and neglect and abandonment of wives by husbands, and providing the punishment therefor—report the same back and recommend its passage.

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State—with four amendments, and recommend its passage as amended.

Also: Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a justice of a District Court of Appeal—report the same back, and recommend its passage.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on their respective files for second reading.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 395—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

DEVLIN, Chairman.

Assembly Bill No. 395 ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law

libraries," approved March 1, 1891, and relating to the creation of "Law Library Fund" —have had the same under consideration, and respectfully report the same back, with recommendation that it be referred to Committee on Judiciary.

ESTUDILLO, Chairman.

Senate Bill No. 81 referred to Committee on Judiciary.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STETSON, Chairman.

Senate Bill No. 169 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other states, and to pay the necessary expenses thereof.

Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violation of the provisions of this Act, and making an appropriation therefor."

Assembly Bill No. 548—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof," approved March 19, 1889, and March 31, 1891.

Assembly Bill No. 81—An Act to add a new section to the Political Code, to be numbered Section 2641*a*, and relating to the election of highway officers in counties of the forty-eighth and fifty-first classes.

Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park in Sacramento City.

Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State" (approved March 10, 1887, Stats. 1887-82), by including the badge or button of the United Spanish War Veterans within the provisions of said Act.

Also: Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI, of Title IV, of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State Militia.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WHITMORE, Chairman.

The above reported bills ordered on Senate file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Also: Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 547—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BUSH, Chairman.

The above reported bills ordered on file for second reading.

ON LABOR AND CAPITAL—(MAJORITY REPORT).

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: The undersigned, a majority of the Committee on Labor and Capital, to whom was referred Assembly Bill No. 210—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit—have had the same under consideration, and respectfully report the same back, with a committee substitute therefor, and recommend that the committee substitute do pass.

BUSH, Chairman.

Assembly Bill No. 764, proposed substitute for Assembly Bill No. 210, read first time, and ordered to print.

WITHDRAWAL OF BILL.

Mr. McMullin asked for and was granted unanimous consent to withdraw Assembly Bill No. 210.

Bill withdrawn, and ordered stricken from the file.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER. Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California relating to meetings of the State Board of Health.

Also: Senate Bill No. 142—An Act to amend Section 2979*a* of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Also: Assembly Bill No 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Also: Assembly Bill No. 553—An Act to amend Section 2979 of the Political Code, relating to duties of the State Board of Health.

Also: Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.

Also: Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979*a*, relating to duties of the State Board of Health.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CAMPBELL, Chairman.

The above reported bills ordered on their respective files for second reading.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following motion by Mr. Johnson of Sacramento—to amend the Standing Rules as follows:

Add thereto the following:

"RULE 79—No committee shall hold any meetings during the sessions of the Assembly unless by leave of the Assembly first had and obtained."

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

LEEDS, Chairman.

Mr. Leeds moved the adoption of the report and proposed rule.

Report and Rule 79 adopted.

ON DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on Dairies and Dairy Products, to whom was referred Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Also: Assembly Bill No. 359—An Act to amend an Act, approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provisions," by amending Sections 2 and 12, making provisions for enforcing the above Act as amended by appropriating money therefor.

Also: Senate Bill No. 455—An Act to prohibit adulteration in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHN, Chairman.

The above reported bills, with the exception of Assembly Bill No. 359, ordered on their respective files for second reading.

Assembly Bill No. 359 referred to Committee on Ways and Means.

ON VENTILATION AND ACOUSTICS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: Your Committee on Ventilation and Acoustics, to whom was referred the following resolution:

Resolved, That the Sergeant-at-Arms of the Assembly be and he is hereby instructed to provide for better ventilation of the Assembly Hall by the installation in the proper places in the Assembly room of electric fans.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COLLISTER, Chairman.

Resolution read and, on motion, adopted.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 7, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Also: Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Also: Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.

Also: Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered.

Also: Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said Code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903.

Also: Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

Also: Senate Bill No. 336—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class, approved March 20, 1905.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Also: Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the school of agriculture and educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Also: Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Also: Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Also: Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred, and to be incurred, by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Also: Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Also: Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Also: Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Also: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 13—Approving the charter of the City of Santa Cruz.

Also: I am directed to inform your honorable body that the Senate on this day amended and adopted as amended Assembly Constitutional Amendment No. 3—Resolution to amend Section 2½ of Article II of the Constitution.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

SENATE AMENDMENT.

The Senate amendment to Assembly Constitutional Amendment No. 3 was read as follows:

On page 2, Section 2½, line 17, add the words: "*Provided, however*, that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect."

The Speaker thereupon put the question, "Shall the Assembly concur in the Senate amendment to Assembly Constitutional Amendment?"

CONSIDERATION POSTPONED AND SET AS A SPECIAL ORDER.

On motion of Mr. McConnell, consideration of Assembly Constitutional Amendment No. 3 was made a special order for Monday, February 11, 1907, at two o'clock P. M.

Senate Bill No. 66 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 92 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 67 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 222 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 392 read first time, and referred to Committee on Judiciary.

Senate Bill No. 268 read first time, and referred to Committee on Judiciary.

Senate Bill No. 133 read first time, and referred to Committee on Judiciary.

Senate Bill No. 506 read first time, and referred to Committee on Judiciary.

Senate Bill No. 336 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 123 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 569 read first time, and referred to Committee on Judiciary.

Senate Bill No. 9 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 433, 479, 483, 308, 481, 431, 482, and 476 and Assembly Concurrent Resolution No. 13 ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced and referred as indicated:

By Mr. Chandler: Assembly Bill No. 708—An Act to amend Section 2172 of the Political Code, relating to the disposition of insane persons upon commitment, and repealing all Acts or parts of Acts inconsistent therewith.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Fratessa: Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 710—An Act to provide for the establishment, maintenance, and control of a sanitarium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Pyle: Assembly Bill No. 711—An Act to amend Sections 337, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Held: Assembly Bill No. 712—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751¾, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hammon: Assembly Bill No. 714—An Act to appropriate $2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and to authorize the trustees of said school to construct said retaining walls and fences.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 715—An Act making an appropriation of $4,000, to be expended by the Trustees of the State Normal School at Los Angeles for any assessments levied by the City of Los Angeles on the land of the State Normal School of Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements on Grand avenue and Fifth street, fronting on said property.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Strobridge: Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Snyder: Assembly Bill No. 717—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 213 thereof, relating to counties of the fifty-sixth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 718—An Act to amend Section 3366 of the Political Code of the State of California, relating to the imposition of license taxes by boards of supervisors and legislative bodies of incorporated cities and towns.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Drew: Assembly Bill No. 719—An Act to amend Section 443 of the Political Code, relating to the distribution of school funds.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 720—An Act to establish standard forms in which policies of life insurance may be issued in this State, and in which policies of life insurance companies organized under the laws of this State may be issued, and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 721—An Act to require an annual apportionment and accounting of surplus of certain life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 722—An Act providing for an annual apportionment and accounting of surplus of certain life insurance companies on policies heretofore issued.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 723—An Act prohibiting the use for political purposes of property of certain life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 724—An Act providing that life insurance policies shall constitute the entire contract.

Bill read first time and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 725—An Act defining the status of persons soliciting life insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 726—An Act to prohibit certain misrepresentations as to the insurance, and to provide penalties therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 727—An Act to prohibit discrimination by life insurance companies, and to provide penalties for violation thereof.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 728—An Act providing for and regulating the election of directors, trustees, or governing boards of mutual life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 729—An Act relating to the compensation of contracts with officers, trustees, directors, and employés of life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 730—An Act relating to vouchers for certain disbursements by life insurance companies in this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 731—An Act permitting the retirement of capital stock of mutual life insurance corporations in certain cases.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 732—An Act relating to annual reports of life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 733—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 734—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 735—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 736—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 737—An Act to amend Section 428 of the Civil Code, relating to the limitation of risks of insurance corporations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 738—An Act to repeal an Act entitled "An Act to extend the time for filing with the Insurance Commissioner statements of insurance business transacted during the year ending December 31, 1905, within the time prescribed by law, and to remit penalties for failing to file the same," approved June 14, 1906.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 739—An Act to appropriate the sum of $2,536.76 to pay the claim of the Ætna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 740—An Act to appropriate the sum of $889.95 to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 741—An Act to appropriate the sum of $1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 742—An Act to appropriate the sum of $11.31 to pay the claim of the Life Association of America against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 743—An Act to appropriate the sum of $349.60 to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 744—An Act to appropriate the sum of $222.85 to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 745—An Act to appropriate the sum of $3,462.11 to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 746—An Act to appropriate the sum of $1,531.91 to pay the claim of the Prudential Insurance Company of America against the State of California.

Read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 747—An Act to appropriate the sum of $60.51 to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Eshleman: Assembly Bill No. 748—An Act making an appropriation of $2,900 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue, in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Leeds: Assembly Bill No. 749—An Act repealing an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employers of State institutions," approved March 19, 1903.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 752—An Act to provide for the licensing of architects and for the regulation of the practice of architecture as a profession.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Pierce: Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of $300," approved February 18, 1874, and an Act amendatory thereof approved March 8, 1895.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Davis: Assembly Bill No. 754—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved Feb. 12, 1874, and the Act amendatory thereof, approved March 11, 1887, by changing the division line between said San Benito County and Monterey County, so as to include in said San Benito County a part of

said Monterey County, and in said Monterey County a part of San Benito County.

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. Fisher: Assembly Bill No. 755—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, by adding one new section thereto, to be numbered Section 13*a*, relating to the duties of boards of supervisors, regulating or prohibiting the sale of malt, vinous, or other intoxicating liquors, and regulating or prohibiting the issuance of licenses for the sale thereof, shall take effect, and providing for compensation to persons who sustain loss or suffer damages by taking effect and enforcement of such ordinances.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Wyatt: Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Walsh: Assembly Bill No. 760—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 761—An Act to amend Section 160, by adding a new subdivision thereto, to be known and designated as 17, of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Lynch: Assembly Bill No. 762—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appro-

priation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 763—An Act making an appropriation for the repair of the buildings belonging to the prison at Folsom and occupied as residences by the officers and employés thereof.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Committee on Labor and Capital (as Committee Substitute for Assembly Bill No. 210): Assembly Bill No. 764—An Act to regulate the practice of shoeing horses and mules, and other animals in the State of California, and to require all farriers to pass an examination as to their proficiency on the following subjects: Anatomy of the feet of horses and mules, the making and fitting of shoes to the feet of horses and mules, in preparing the feet of horses and mules for shoes, and putting shoes on horses and mules, in driving nails in the feet of horses and mules, and in doing such other things as will advance the science of shoeing horses and mules to the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.

Bill read first time, and placed on file without reference.

By Mr. Lemon: Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. O'Brien: Assembly Bill No. 766—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Bill read first time, and referred to Committee on Judiciary.

By Mr. McConnell: Assembly Bill No. 767—An Act to amend the Penal Code of California, by adding thereto a new section, to be numbered 462, relating to burglary with explosives and the punishment thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 768—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward, and for the treatment of acute cases by hydrotherapy and electricity.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Leeds: Assembly Concurrent Resolution No. 15—In re joint resolutions of Senate and Assembly.

BILL RECALLED FROM COMMITTEE.

Mr. Pyle moved that Senate Bill No. 10—An Act appropriating the sum of eight thousand dollars for the purchase of furniture and equip-

ment for the State Normal School of Chico, and for the construction of cement on floors and sidewalks for said school—be recalled from Committee on Public Buildings and Grounds, and re-referred to Committee on Ways and Means.

Motion carried, and such was the order.

RESOLUTION.

By Mr. Cutten (for mileage to Committee on Commerce and Navigation):

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was granted leave of absence to visit San Francisco harbor, have visited the same as in their report set forth.

The following members are entitled to mileage for the same, to wit, 90 miles each way—total 180 miles:

C. P. Cutten, Chairman	$18 00
Henry Thompson	18 00
P. F. Fratessa	18 00
S. T. Kohlman	18 00
J. A. Wilson	18 00
D. J. Toomey	18 00

And we ask the adoption of the following resolution:

Resolved, That the Controller be and he is directed to draw his warrant in favor of C. P. Cutten, chairman of said committee, for the sum of one hundred and eight ($108.00) dollars, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

Resolution read, and referred to Committee on Mileage.

On motion of Mr. Smith, Assembly Bill No. 216—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers, the officers of courts, or by law, and defining newspapers of general circulation—was referred to Committee on Judiciary.

BILL RE-REFERRED.

On motion of Mr. Johnson of Sacramento, Assembly Bill No. 573—An Act to amend Section 1181 of the Penal Code of the State of California by adding a new subdivision thereto, to be numbered 8, relating to granting of new trials—was referred to Committee on Judiciary.

MOTION TO RECONSIDER.

Mr. Wyatt moved a reconsideration of the vote whereby Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays—was, on yesterday, refused passage.

Motion seconded.

SPECIAL ORDER SET.

On motion of Mr. Wyatt, further consideration of bill was made a special order for eleven o'clock and thirty minutes A. M. of Monday, February 11, 1907.

Mr. Campbell moved a reconsideration of the vote whereby Assembly Bill No. 403—An Act in relation to the attendance of pupils in the high schools of the State of California—was refused passage on yesterday.

RECONSIDERATION OF VOTE REFUSED.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Berry, Campbell, Cullen, Drew, Forbes, Held, Higgins, Johnson of Sacramento, Kelly, Transue, Vogel, Walsh, Wessling, Whitmore, and Mr. Speaker—15.

NOES—Messrs. Barry, Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Devlin, Fisher, Fratessa, Hammon, Hans, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Spaulding, Strobridge, Thompson of Los Angeles, Weske, Wilson, and Wyatt—35.

THIRD READING OF BILLS.

Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Bill read third time.

SPECIAL ORDER SET.

On motion of Mr. Transue, the further consideration of Assembly Bill No. 478 was made a special order for two o'clock P. M. of Monday, February 11, 1907.

On motion of Mr. Transue, an itemized statement of the account of Frank Higgins was ordered printed in the Journal.

STATEMENT OF SERVICES PERFORMED BY FRANK HIGGINS.

In the Matter of the Extradition of
GEORGE D. COLLINS.

Statement of services performed by Frank Higgins, barrister at law and solicitor of British Columbia and the Dominion of Canada, who acted as counselor and attorney for the State of California in British Columbia on the extradition from British Columbia of George D. Collins, a fugitive from justice from the State of California.

JULY 10, 1905.—*Item*—To consultation and advice given to J. M. Langley, Chief of Police of Victoria.

Remarks—Chief Langley received a telegram from the Chief of Police of San Francisco instructing him to arrest George D. Collins for bigamy, and to have him extradited to California. He consulted me and requested advice as to steps necessary to be taken to extradite Collins. I thoroughly looked into the extradition treaty between the United States and Great Britain, and authorities of the United States Federal Courts and International Law.

JULY 11.—*Item*—To preparing and rendering opinion to Chief Langley in the premises.

Remarks—This opinion was to the effect that Collins could not be extradited for bigamy under the treaty, but I advised the said Chief Langley to advise the authorities in California of my opinion to this effect. I also advised Chief Langley that probably Collins had committed perjury in the proceedings which were then pending in California, having read about the case in the newspapers; and I advised said Langley to notify the California authorities to proceed to extradite Collins for perjury. In the preparation of this opinion I was compelled, as much haste was required, to call to my assistance attorneys of Victoria to aid me in my research of authorities and we were engaged in this work the greater part of the night of the 11th of July. I also advised Chief Langley to interview the attorney-general of British Columbia on the matter.

JULY 12.—*Item*—To consultations and advice given to Chief Langley throughout this day.

Remarks—Advised Chief Langley to notify the district attorney of San Francisco that I had been retained on his behalf. Was shown telegrams by Chief Langley from the chief of police of San Francisco that my advice had been acted upon and that Collins had been indicted for perjury. Was also shown telegrams from the district attorney of San Francisco and Judge Lawlor of the superior court instructing Chief Langley to arrest and hold Collins for extradition, and that Collins had committed perjury under Section 118 of the Penal Code of California. I thereupon looked up the law of California as to perjury, and at night, with my office staff, prepared information and warrant under the treaty, and attended with Chief Langley at Judge Lampman's residence at 10:30 p. m. on account of the contemplated flight of Collins from Victoria, when the judge took the complaint and issued a warrant for Collins' arrest. After obtaining the warrant I was some time engaged in instructing Chief Langley how to proceed to arrest Collins, as, under the treaty, the arrest of a fugitive from justice on a warrant issued in a foreign jurisdiction is a very technical proceeding.

JULY 13.—*Item*—To attending court as counsel for the State of California, before Judge Lampman.

Remarks—Immediately upon opening the case I applied for an adjournment to permit depositions to arrive from California. Collins opposed the adjournment on the ground that he was not George D. Collins and strenuously denied his identity,

and moved for a dismissal of the proceedings. I vigorously opposed Collins' motion, and the argument lasted all day. After court adjourned, it was necessary for me to subpœna as witnesses a detective and two newspaper reporters to whom Collins had admitted his identity, and hearing that a newspaperman from San Francisco, who knew Collins, was in Victoria, I instituted thorough inquiries throughout the city as to his whereabouts, but was unable to find him.

JULY 14.—*Item*—To attendance in court and arguing the case all day on the motion made by Collins to dismiss the proceedings.

Remarks—The 14th and 15th were taken up by Collins' arguments on technical grounds, and it required much care and strenuous effort upon my part to defeat his motion.

JULY 15.—*Item*—To attendance in court and further argument on motion to dismiss proceedings.

JULY 14 and 15.—*Item—Night*—To consultations and advice with Chief Langley. To preparing telegrams to Judge Lawlor at San Francisco, calling on him for further details of Collins' crime.

Remarks—It was necessary to obtain further information, as the information given by the officials of San Francisco as to the commission of the crime was not full enough.

JULY 16.—*Item—Sunday*—To consultation and advice given to Chief Langley.

Remarks—This consultation and advice was necessary owing to the receipt of a telegram from Judge Lawlor giving fuller particulars of the crime. It became necessary for me to look extensively into numerous authorities and the law bearing on the subject, as it was apparent that the perjury charge, being based on the falsity of a verified answer, made the case a most technical one. It was thereupon determined to amend the information and warrant.

JULY 17.—*Item*—To consultation with T. B. Gibson, state agent of California.

Remarks—On this day State Agent Gibson arrived in Victoria with the warrant from Governor Pardee, and depositions taken in San Francisco. I conferred with Gibson day and night and carefully perused the depositions and looked up authorities and thoroughly advised State Agent Gibson as to what must be done in the premises.

JULY 18.—*Item*—To consultation with State Agent Gibson. *Night*—To planning conduct of case. To consultation with Father La Terme.

Remarks—On this day I consulted with State Agent Gibson all day and at night outlined the plan of conducting the case and went fully into the evidence and validity of the warrant and indictment, etc., etc. It was necessary to have the marriage record in Latin translated into English.

JULY 19.—*Item*—To attendance in court. To consultation with State Agent Gibson.

Remarks—On this day I amended information and warrant. Was engaged all day in court, and in preparing case at night to meet Collins' argument. Conferred with State Agent Gibson.

JULY 20—*Item*—To attendance in court. *Night*—To preparing brief.

Remarks—I was all day in court and at night was in consultation with State Agent Gibson preparing brief.

JULY 21.—*Item*—To attendance in court. *Night*—To looking up authorities.

Remarks—I was engaged all day in court combating Collins and his attorney and working on case at night.

JULY 22.—To attendance in court. To working on case at night.

Remarks—I was engaged all day in court combating Collins and his attorney, and in working on case at night.

JULY 23.—*Sunday—Item*—To consultation with Mr. Gibson. To preparing brief.

Remarks—On this day I went fully into the case with Mr. Gibson and prepared briefs and looked into further authorities. I was engaged on this day and night.

JULY 24.—*Item*—To attendance in court all day. *Night*—To consultation with Assistant District Attorney Whiting of San Francisco and witnesses brought from California.

Remarks—On the afternoon of this day Assistant District Attorney Whiting arrived in Victoria with witnesses Groom, Newman, Curran and Henry from California. At night I conferred with Mr. Whiting as to the law of California regarding perjury, and with the witnesses, and took extensive minutes of their evidence for use in the proceedings. I was engaged in this work the greater part of the night.

JULY 25.—*Item*—To attendance in court. *Night*—To consultation with Whiting and witnesses.

Remarks—On this date I attended court all day and the greater part of the night conferred with Mr. Whiting and the California witnesses and reviewed their evidence. At this period Collins was making a very stubborn, insistent and technical fight, and it required great care, and much work and energy on my part.

JULY 26.—*Item*—To attendance in court. *Night*—To consultation and advising with the witnesses.

Remarks—On this date Collins concluded his preliminary objections to the sufficiency of the charge and the judge took his motion under advisement until the following morning. I was engaged all day in court and at night consulted and conferred with the California witnesses.

JULY 27.—*Item*—To attendance in court. *Night*—To conferring with witnesses.

Remarks—On this day the judge upheld my contention that the case should be proceeded with and I proceeded to put in the evidence of the witnesses, and Collins took the greater part of the day in objecting to any evidence being adduced, and on behalf of the State of California I successfully resisted all his motions. It was necessary for me to confer with the witnesses at night, and also to look further into the law.

JULY 28.—*Item*—To attendance in court. *Night*—To consultation with witnesses.

Remarks—On this date I began to introduce the evidence and every bit of evidence that was given by a witness was strenuously objected to by Collins, requiring great exertion on my part throughout the day, and making it necessary for me to confer with the witnesses at night, and also with the state agent.

JULY 29.—*Item*—To attendance in court all day. *Night*—To consultation with witnesses and the state agent.

Remarks—It was necessary for me to minutely supervise the evidence of the witnesses and to see that every material and technical point was proved, as, under the treaty, it was necessary to prove that Collins committed perjury against the law of Canada and against the law of California.

JULY 30.—*Sunday—Item*—To consultation with witnesses and Mr. Whiting and the state agent.

Remarks—On this date I went thoroughly into the law bearing on the case, reviewed the case so far as it had proceeded, took further minutes of evidence, instructed the witnesses, and did everything possible to prevent being taken by surprise by Collins. Was engaged all day and at night on this work.

JULY 31.—*Item*—To attendance in court. To consultation with witnesses.

Remarks—Evidence was proceeded with on this date and Collins resisted strenuously the introduction of evidence, raising technical points which retarded the progress of the case to a considerable extent. It was necessary for me after adjournment of court to confer with the witnesses and to thoroughly acquaint myself as to the desirability of introducing certain points of the State's case. To this end it was necessary for me to work both day and night.

AUGUST 1.—*Item*—To attendance in court before Mr. Justice Martin.

Remarks—During the extradition proceeding then pending before Judge Lampman, Collins applied for a writ of habeas corpus before Mr. Justice Martin, on the ground that the extradition commissioner had no jurisdiction to hear the case. The matter came before Mr. Justice Martin and after hearing argument, the judge dismissed Collins' motion.

AUGUST 2.—*Item*—To attendance in court. *Night*—To consultation with witnesses.

Remarks—On this date, as Mr. Justice Martin refused to interfere with Judge Lampman's trial of the case, Judge Lampman continued to proceed with the hearing, and the case proceeded all day, and I was also engaged in working on the case at night.

AUGUST 3.—*Item*—To attendance in court. *Night*—To consultation with Whiting and witnesses.

Remarks—I informed Mr. Whiting that the California law had not been proved in so far as it applied to the delivery of the false pleading, and it was therefore necessary to get evidence on that point. We therefore wired to San Francisco for depositions to prove the delivery.

AUGUST 4.—*Item*—To attendance in court. *Night*—To conference with Mr. Whiting and with Mr. Henry.

Remarks—It was necessary to be in court all day and to endeavor to ascertain if Mr. Henry could prove the delivery of the affidavit by Collins.

AUGUST 5.—*Item*—To attendance in court all morning. To having exhibits prepared.

Remarks—It was necessary, in view of the witnesses Groom and Henry returning to San Francisco with the records of the superior court and other exhibits which were produced at the trial, to have certified copies of all the exhibits made. I therefore was compelled to employ the registrar of the court and his assistant to perform this work and they necessarily worked over time, and their bills were presented by them to the State Board of Examiners. The employment of these persons was with the knowledge and consent of State Agent Gibson and also Mr. Whiting.

AUGUST 6.—*Sunday—Item*—To consultation had day and night with Mr. Whiting and State Agent Gibson.

Remarks—As the evidence of the State witnesses had been concluded, it was necessary for me on this day to go over the evidence and prepare briefs and confer with Mr. Whiting and State Agent Gibson. It was also necessary for me, as I was incessantly engaged in court, to employ a corps of attorneys at great expense to myself, getting the authorities necessary to combat the points raised by Collins and his attorneys.

AUGUST 7.—*Item*—To attendance in court. *Night*—To consultation with Mr. Whiting and State Agent Gibson.

Remarks—During this time Collins began giving evidence, and it was necessary for me to follow his evidence very closely so that I could successfully cross-examine him. It was therefore necessary for me to work at night for the purpose of getting my cross-examination prepared.

AUGUST 8.—*Item*—To attendance in court. *Night*—To consultation with Whiting and State Agent Gibson. To preparation for cross-examination.

Remarks—Was busily engaged in court this day, closely following the evidence of Collins, and at night it was necessary for me to prepare my cross-examination.

AUGUST 9.—*Item*—To attendance in court before Mr. Justice Duff. *Night*—To consultation and work.

Remarks—The proceedings were again interrupted by Collins with an application for a writ of habeas corpus before Mr. Justice Duff, Collins again contending that Judge Lampman had no jurisdiction. After argument Mr. Justice Duff dismissed the application and refused to interfere with Judge Lampman hearing the case. Collins raised the point that the Extradition Act of Canada of 1889, which eliminated perjury as an extradition crime, prevented him from being extradited to California for perjury, and it was necessary for me to closely study this Act. Although Collins produced authorities in support of his contention, I successfully combated his argument on this point, but in order to do so it was necessary for me to work all night with lawyers as well as my whole office staff for the purpose of ascertaining whether or not this Act of 1889 was in force. The persons I have paid and obligated myself to pay. This work was absolutely necessary for, if the Act was in force, Collins would have gone free. The Act itself provided that it should be made law by an order in Council of the Governor-General of Canada, and it was to this end that I worked in order to ascertain whether any such order in Council had ever been made. It being impossible to secure in Western Canada all the orders in council published since 1889, I had to specially engage attorneys in Ottawa for this purpose, and have paid them certain moneys for their work in this connection, and have obligated myself to pay them further sums for the work which they subsequently did on this case. Numerous telegrams passed between us, the expense of which I had to bear. It was solely through my efforts, with the assistance of the attorneys in Ottawa, that we ascertained that the Act of 1889 was not in force. Therefore Collins was held.

About this time Collins' attorneys notified me that they intended to appeal to the Supreme Court of Canada by way of writ of error, and in order to forestall Collins it was necessary for me to engage the best counsel that I knew of in Ottawa to be ready to conduct the case on behalf of the State of California in the event of an appeal.

AUGUST 10.—*Item*—To attendance in court. *Night*—To work in consultation with Mr. Whiting and State Agent Gibson.

Remarks—On this date I began my cross-examination of Collins, and it was absolutely necessary for me to proceed and act in the most careful manner, as he has, as is well known, a reputation for great shrewdness. I was engaged all day in court and at night continued the preparation of the cross-examination for the next day.

AUGUST 11.—*Item*—To attendance in court. *Night*—To work in consultation with Mr. Whiting and State Agent Gibson.

Remarks—On this day I completed my cross-examination of Collins and the case was remanded until the 14th for the purpose of argument. I might say that my cross-examination of Collins conclusively established the fact that he was unworthy of belief, and materially aided in his extradition, as I broke his story down on several material points. On the night of this day I went very thoroughly over the work which had been done in the case, so as to plan my argument.

AUGUST 12.—*Item*—To consultation with State Agent Gibson and Mr. Whiting. To preparing briefs and argument.

Remarks—I worked all day and most of the night preparing the case for argument.

AUGUST 13.—*Item*—To consultation with Mr. Whiting and State Agent Gibson. To preparing briefs and getting the case ready for argument.

Remarks—This was Sunday, and I worked all day and late into the night completing my argument. In preparing my briefs and getting my argument ready, it was necessary for me to employ attorneys and my whole office force was pressed into service in looking up the law which had to be covered. It was necessary that English, Canadian, United States Federal authorities and the authorities of the State of California, and in fact, every state in the Union be examined into and factums submitted thereon. This entailed a great amount of labor as well as expense, some of which I have already paid and the balance I am obligated to pay.

AUGUST 14.—*Item*—To attendance in court. *Night*—To consultations.

Remarks—Collins and his attorneys began their argument this day and it lasted the entire day. It was therefore necessary for me to work at night consulting my assistants and Mr. Whiting and Mr. Gibson to keep the case well in hand.

AUGUST 15.—*Item*—To attendance in court. *Night*—To consultations and work.

Remarks—Attended court all day, Collins still proceeding with his argument, and it was incumbent on me to confer with my assistants and Mr. Whiting at night. I might say that I was compelled to work at night preparing my case, as I was in court so much that it was the only opportunity I had to keep up with the case.

AUGUST 16.—*Item*—To attendance in court. To consultations.

Remarks—I was engaged in court all this day on argument by Collins' attorney. As the case had been proceeded with incessantly, I might state that Collins gave out, and he had to engage another attorney, besides the attorney which he had, in order to complete the arguing. In other words, I was compelled for the State of California to stand off and combat Collins and two attorneys, and it made it particularly hard for me when Collins brought new blood into the case.

AUGUST 17.—*Item*—To attendance in court. *Night*—To consultations with Gibson and Whiting.

Remarks—I was engaged in court all day. In the morning Collins' new attorney completed his argument and I followed; and with the interruptions made by the irrepressible Collins, it was most arduous work, and at the conclusion of my argument the judge reserved the decision and gave both sides liberty to submit further authorities.

AUGUST 18.—*Item*—To consultation with Mr. Whiting and State Agent Gibson. To conference with attorneys and assistants.

Remarks—On this day I deemed it advisable, so that there would be no loophole created which would inure to Collins' benefit, for me to review the case and go further into the authorities, so the judge might have all the possible law beforehand to strengthen my contention. Was engaged in preparing list of case and submitted same to the judge. I worked the greater part of the night laying out the case in the event of Collins taking habeas corpus proceedings if the commissioner decided to hold him. Also consulted with the criminal authorities and State Agent Gibson, that in the event of Collins being released, we might proceed against him in the British Columbia courts for having committed perjury when he gave his evidence.

AUGUST 19.—*Item*—To attendance in court, before Judge Lampman.

Remarks—On the morning of this day Judge Lampman rendered his lengthy decision, which took the greater part of the morning. This decision was to the effect that Collins would be surrendered. I drew the order and the warrant, and in order to do so was compelled to consult authorities, as the warrant under the extradition act are most technical and the slightest slip or error therein would result in the fugitive being liberated. I made out the warrants, attended the judge, and Collins was remanded to the custody of the state agent and the police of Victoria.

AUGUST 19—*Item*—To attendance in court before Mr. Justice Duff. To drawing and settling warrant of surrender. To consulting authorities thereon.

Remarks—In the afternoon I was served with a writ of habeas corpus, calling for my immediate attendance before Mr. Justice Duff, on motion made by Collins. I attended Judge Duff's court and he acceded to the motion of Collins' attorneys and ordered the writ to be returnable on the 22nd.

At this time, through the incessant battling in court, work at night, and consequent lack of sleep, I was thoroughly worn out and in a nervous condition, and had contemplated resting Saturday afternoon and Sunday, but in view of these habeas corpus proceedings launched by Collins, it was necessary for me to immediately continue working on the case. We were all Saturday afternoon before Mr. Justice Duff, and as the issuance of this writ of habeas corpus placed the body of Collins in the custody of the court, the court turned Collins over to the sheriff of the county of Victoria for safe keeping. I applied to the court for a reversal of his decision, and contended that as the sheriff of the county of Victoria had no sworn staff of officers and had no place where Collins could be kept in safe custody, that he should remain in the custody of the police. After an elaborate and vigorous argument, the court acceded to my motion and Collins was turned over to the police. After the conclusion of the argument, the sheriff of the county served me with a notice that he claimed from the State of California $125, for his fees for keeping order in the court during the hearing of the case before Judge Lampman. It was then necessary for me to confer with Mr. Whiting and State Agent Gibson and to act in such a way as to protect the State of California from paying these fees, as I did not think that it was a just claim; and in order to protect the State of California in case a claim might be subsequently made, I prepared affidavits of several persons for future use, and reference, and put the State of California on record as refusing to recognize any such claims as these. It was also necessary for me to work the greater part of the night of the 19th to prepare the case on the then pending habeas corpus proceedings. I might say in passing that it has been held by both United States, English, and Canadian authorities that under the extradition act when a prisoner is remanded for extradition he has the right to obtain a writ of habeas corpus and the court cannot refuse to give him a hearing.

AUGUST 20.—*Item*—To consultation with Assistant District Attorney Whiting and State Agent Gibson. To preparing case for argument.

Remarks—It was necessary for me to consult Mr. Whiting and State Agent Gibson and to work all day Sunday and Sunday night, and to further call upon attorneys of Victoria and assistants in order to prepare the case for the habeas corpus proceedings before Mr. Justice Duff.

AUGUST 21.—*Item*—To consultation with Mr. Whiting and State Agent Gibson. To preparing briefs and argument.

Remarks—I worked all this day on this case and at night conferring with Mr. Whiting and State Agent Gibson and went to further expense in engaging attorneys of Victoria and assistants to help me in briefing the case for the habeas corpus proceedings.

AUGUST 22.—*Item*—To attendance in court. To consultations with Mr. Whiting and State Agent Gibson.

Remarks—The habeas corpus proceedings were begun this day before Mr. Justice Duff, and an elaborate argument was commenced by Collins' attorneys. It was necessary for me to work at night for the purpose of being in position to meet the contentions of Collins' attorneys.

AUGUST 23.—*Item*—To attendance in court. To consultation and preparing of briefs and arguments.

Remarks—Argument was continued this day and the case was vigorously fought. I was in attendance in court all day and necessarily worked at night on the preparation of my case.

AUGUST 24.—*Item*—To consultation with Mr. Whiting and State Agent Gibson all day. To preparing brief for argument.

Remarks—It was absolutely necessary for me to work all day and at night and to consult with State Agent Gibson and Mr. Whiting as to the case, and at night to prepare my argument and briefs.

AUGUST 25.—*Item*—To attendance in court. To consultation with State Agent Gibson and Mr. Whiting.

Remarks—I attended court all day and worked the greater part of the night preparing the case and looking up authorities so that Collins' would not by any possible chance get away.

AUGUST 26.—*Item*—To consultation with State Agent Gibson and Mr. Whiting. To consultation with the sheriff of the county. *Night*—To preparing argument.

Remarks—It was necessary for me to confer constantly with the state agent, and also to deal thoroughly in rejecting the claim of the sheriff, who insisted upon having his claim recognized by the State of California, and it was through my efforts that this claim was not allowed. At night I was engaged in looking up authorities and preparing argument.

AUGUST 27.—*Item*—To consultation with Mr. Whiting and with State Agent Gibson. *Night*—To looking up authorities and preparing brief and argument at night.

Remarks—I was engaged all this Sunday in consultation with Mr. Whiting and State Agent Gibson, and in looking up authorities and preparing the brief and argument at night. The range of law to be covered was very great indeed, as it embraced the law of the United States Supreme Court and the law of every state in the Union, besides the English authorities and authorities of Canada and of every province of the Dominion of Canada.

AUGUST 28.—*Item*—To consultation with Mr. Whiting and State Agent Gibson. To consultations with attorneys and assistants. *Night*—To preparing briefs and arguments. To attendance at court.

Remarks—It was necessary for me to prepare this case as fully as possible and to particularly consult the facts of the case, and in doing so I required the assistance of State Agent Gibson, who is intimately acquainted with the details of the case, as he had handled it in California. It was also necessary for me to consult Mr. Whiting, assistant district attorney of San Francisco, as he gave evidence on California law, and is an authority on the law of that State. It was necessary for me to confer frequently with attorneys and my assistants in preparing arguments and brief, and in doing so I was compelled to work both day and night. I attended court at night, when court convened and argument was heard.

AUGUST 29.—*Item*—To attendance in court. *Night*—To looking up authorities and preparing argument. To consultation with Mr. Whiting and State Agent Gibson.

Remarks—The argument was begun early in the morning and concluded late in the afternoon. At night I was engaged in looking up authorities and preparing argument, and was in consultation with Mr. Whiting and State Agent Gibson, as well as attorneys of Victoria and my assistants.

AUGUST 30.—*Item*—To attendance in court. *Night*—To consultation with Mr. Whiting and State Agent Gibson.

Remarks—The argument before Mr. Justice Duff was concluded this day and the judge rendered his decision upholding the decision of Judge Lampman, and dismissed

Collins' application on habeas corpus proceedings. The judgment was a very voluminous one, covering a large range of authorities. It has been published in the California decisions, and establishes a precedent in regard to the extradition of fugitives who are accused of perjury. This is the first extradition case on record where the fugitive from justice from a foreign state was extradited under the treaty between Great Britain and the United States on a mere accusation of perjury, as such proceedings involve so many technicalities that it is almost impossible to make up a prima facie case to warrant the surrender of the fugitive.

AUGUST 31.—*Item*—To consultation with Mr. Whiting and State Agent Gibson. To attendance in court before Mr. Justice Martin. *Night*—To looking up the law and consultations. To drawing and settling order of court.

Remarks—The work done this day was caused by Collins applying for a new writ of habeas corpus, before Mr. Justice Martin, and it was necessary to hold a consultation and look up the authorities as to the jurisdiction of the court to deal with the question. Mr. Justice Martin took control of the case and, at the request of Collins' attorneys, set the case for hearing before the supreme court in bank on the first of November, and remanded Collins to jail. Collins and his attorneys strongly urged that he be remanded to the custody of the sheriff and permitted to go at large under guard, but I strenuously opposed the application and succeeded, after much argument, in having Collins remanded to jail, believing that if he was incarcerated there would be a strong possibility that he would rather return to California than to remain in close confinement.

AUGUST 31.—*Item*—To attendance in court before Chief Justice Hunter. To looking up the law and authorities and preparing briefs. To further attendance before Chief Justice Hunter. To settling order of Chief Justice Hunter. *Night*—To consultations with Mr. Whiting and State Agent Gibson. To consultation with sheriff *re* custody of Collins. To writing long letter to sheriff.

Remarks—It will be seen that Mr. Justice Martin took control of the case and set it for hearing before the supreme court in bank. Chief Justice Hunter, unauthorized by law, interfered with Mr. Justice Martin and took the case practically out of his hands, thus acting contrary to the Gaynor-Green extradition case. The chief justice when he took the case out of the hands of Mr. Justice Martin, released Collins from jail and gave him into the custody of the sheriff, to be allowed out under guard. I vigorously fought the granting of such an order, as I was instructed by State Agent Gibson to keep Collins in jail for fear he would escape while in the custody of the sheriff. On the application before Chief Justice Hunter, he set the hearing of the case to the 7th day of November. The date of the hearing before the supreme court in bank had been set to the first of November. Without my knowledge or consent, the date of the hearing before Chief Justice Hunter was changed from the 7th to the 1st of November, and he was therefore in a position to hear and determine Collins' application for habeas corpus before the sitting of the supreme court in bank. It might be explained that under the extradition treaty, a fugitive from justice has the right to apply to every judge for a writ of habeas corpus. On this application I was particular to have it understood that if Collins was let out under guard, he would pay the cost of the guard. I notified the sheriff by letter that his custody of Collins was illegal.

SEPTEMBER 1.—*Item*—To letter to sheriff. To consultations with Mr. Whiting and State Agent Gibson during day and at night. To consultation with the attorney-general of British Columbia. To consultation with the American consul.

Remarks—I deemed it advisable to write a letter to the sheriff of the county in order to put the State of California on record to the effect that it would not be liable for the cost of guarding Collins. It was absolutely necessary for me to consult with Mr. Whiting and State Agent Gibson. It was deemed advisable to confer with the attorney-general of British Columbia in order to see whether Collins could not be kept in jail. We also deemed it advisable to confer with the American consul, as a representative of the United States, in the event of federal action being taken in regard to the matter.

SEPTEMBER 2.—*Item*—To consultation with State Agent Gibson and Mr. Whiting during the day and night. To conferring on telegram to be sent to the district attorney of San Francisco.

Remarks—Mr. Whiting, State Agent Gibson and myself deemed it advisable that the law should be looked up for the purpose of ascertaining whether it would be possible to have the federal authorities act in the matter of the interference by the chief justice.

SEPTEMBER 2.—*Item*—To looking up authorities.

Remarks—We deemed it necessary that a telegram be sent to the district attorney at San Francisco suggesting to him that he communicate with Governor Pardee, and that Governor Pardee should make representations to Washington as to the action of the chief justice, with a view to having the federal government of both countries take action in the matter.

SEPTEMBER 3.—*Item*—To consultation with Mr. Whiting and State Agent Gibson during the day and at night. To looking up authorities. To conference on telegram received from the district attorney of San Francisco.

Remarks—These consultations and the work done looking up authorities was necessary in view of the contemplated action by the federal governments. In the district attorney's telegram he stated that he had communicated with Governor Pardee and that Governor Pardee would refer to matter to Washington, which I believe was done.

SEPTEMBER 3.—*Item*—To preparing statement of case to be submitted to Governor Pardee. To consultations with Mr. Whiting and with State Agent Gibson day and night.

Remarks—Mr. Whiting left Victoria for San Francisco, California, this day, and before leaving we deemed it advisable that I should prepare a statement showing the exact status of the case and of the unwarranted interference of the chief justice therein. I prepared this statement and handed it to Mr. Whiting, who took it with him to California, and subsequently informed me that it had been shown to Governor Pardee and that they had discussed the matter and taken action thereon.

SEPTEMBER 4.—*Item*—To consultation with Gibson day and night. To consultation and conference with attorneys.

Remarks—I consulted with Mr. Gibson as to the advisability of ascertaining the facts leading up to the interference by the chief justice in the proceedings, and State Agent Gibson with other persons engaged by me to act in conjunction with him, started to obtain the necessary information. It was important to look up the federal authorities bearing on the points at issue.

SEPTEMBER 5.—*Item*—To consultations with various persons relative to the interference of Chief Justice Hunter in the proceedings.

SEPTEMBER 6.—*Item*—To consulation with State Agent Gibson. To consultations with various other persons. To consultations with attorneys.

SEPTEMBER 7.—*Item*—To looking up authorities with attorneys and assistants. To preparing briefs. To consultations during the day and at night with State Agent Gibson and others.

Remarks—The state agent instructed me to look up the law as to the advisability of appealing to the appellate court of British Columbia with the object of reversing the order of Chief Justice Hunter. This entailed considerable work on the part of myself and assistants.

SEPTEMBER 8.—*Item*—To sending telegram to Mr. Whiting at Portland. To consultation with State Agent Gibson during the day and again at night.

Remarks—The state agent thought it advisable that we wire Mr. Whiting, who was on his way to San Francisco, to have him forward immediately the statement prepared before he left Victoria to the district attorney of San Francisco, so that the same could be presented without delay to Governor Pardee to permit the governor to take immediate action with the federal authorities at Washington. Mr. Whiting intended to remain in Portland for a few days en route.

SEPTEMBER 9.—*Item*—To consultation with State Agent Gibson. To conference with attorneys and assistants looking up authorities. *Night*—To consultation with State Agent Gibson.

SEPTEMBER 10.—*Item*—To consultation with State Agent Gibson. To numerous conferences with attorneys and assistants looking up authorities, etc. *Night*—To consultation with State Agent Gibson.

SEPTEMBER 11.—*Item*—To conferences with attorneys and assistants looking up authorities. To consultation with State Agent Gibson.

SEPTEMBER 12.—*Item*—To looking up authorities. To conferences with attorneys and assistants.

SEPTEMBER 12.—*Item*—To consultation with State Agent Gibson.

SEPTEMBER 13.—*Item*—To conferences with attorneys and assistants, looking up authorities. To consultation with State Agent Gibson.

SEPTEMBER 14.—*Item*—To further consultation with State Agent Gibson. To conferences with attorneys and assistants looking up authorities.

Remarks—During the period covered from the 9th to 14th, inclusive, these consultations and the brief work were for the purpose of preparing for an appeal to reverse the order of Chief Justice Hunter, and with the further view of bringing the international law bearing on the point to the attention of the federal authorities.

SEPTEMBER 15.—*Item*—To consultation with State Agent Gibson *re* letter received from Assistant District Attorney Whiting, instructing me on behalf of the district attorney of San Francisco to appeal to Ottawa. *Night*—To consultation with State Agent Gibson.

Remarks—Immediately on receipt of this letter from Mr. Whiting, containing instructions from the district attorney at San Francisco to take this matter up at Ottawa, I put myself in communication with the attorneys at Ottawa and other persons in order that the federal authorities take action in regard to the matter. It was necessary, in order to do this, for me to obligate myself in many ways and to keep in constant touch by wire and mail with the attorneys and other persons in British Columbia.

SEPTEMBER 16.—*Item*—To consultation with State Agent Gibson. To consultations with other persons. To looking up authorities.

SEPTEMBER 17.—*Item*—To preparing telegrams and letters to the attorneys at Ottawa and other persons. To consultation with State Agent Gibson. To looking up authorities.

SEPTEMBER 18.—*Item*—To consultation with State Agent Gibson. To numerous consultations with other persons. To looking up authorities. To writing letters to attorneys at Ottawa. To letters and telegrams to other persons.

SEPTEMBER 19.—*Item*—To consultation with State Agent Gibson. To consultations with other persons. To preparing letters and telegrams to be sent to attorneys at Ottawa and to other persons. To looking up authorities.

SEPTEMBER 20.—*Item*—To consultation with State Agent Gibson. To looking up authorities. To consultations with various persons.

Remarks—The items of charges from the 16th of September to the 14th of October, inclusive, embrace the steps taken by me towards forcing Collins to abandon his appeals to the appellate courts and to return to the State of California, the object being to save the State the expense of costly litigation in the Canadian courts, as well as the great amount of time that would necessarily be consumed in further litigation. It was by dint of hard work and the closest attention to every detail of the case, and numerous and various consultations had with the state agent, Mr. Gibson, and other persons both day and night during that period, that I finally succeeded in my efforts to get Collins to abandon his appeals, thus saving the State of California many thousands of dollars. It was necessary for me to keep in constant communication by wire and letters with my attorneys at Ottawa, and other persons there who acted in conjunction with me. Having been instructed through Governor Pardee of California and the district attorney of San Francisco to take the matter up with the federal authorities, as will be seen by the communications that I have submitted to the State Board of Examiners. During the above period of time it was also necessary for me to thoroughly prepare the case for argument before the appellate court, the appeal having been set for the first of November, in the event of the failure of my efforts directed towards the abandonment of further litigation by Collins. In preparing the appeal it was necessary for me to engage attorneys and assistants in looking into the federal law and extradition treaty, the law of England, the law of Canada and of each province therein, as well as the authorities of every state in the Union.

SEPTEMBER 21.—*Item*—To writing letters and telegrams to attorneys at Ottawa and to other persons. To looking up authorities. To consultation with State Agent Gibson. To consultations with other persons in Victoria.

SEPTEMBER 22.—*Item*—To looking up authorities. To consultation with State Agent Gibson. To writing letter to Ottawa attorneys.

SEPTEMBER 23.—*Item*—To consultation with State Agent Gibson. To looking up authorities.

SEPTEMBER 24.—*Item*—To consultation with State Agent Gibson. To consultations with other persons.

SEPTEMBER 25.—*Item*—To consultation with State Agent Gibson. To looking up authorities.

SEPTEMBER 26.—*Item*—To consultation with State Agent Gibson. To preparing telegram to attorney at Ottawa. To looking up authorities.

SEPTEMBER 27.—*Item*—To consultation with State Agent Gibson. To consultation with other parties.

SEPTEMBER 28.—*Item*—To looking up authorities. To consultation with State Agent Gibson.

SEPTEMBER 29.—*Item*—To letters to the attorneys in Ottawa. To consultation with State Agent Gibson.

SEPTEMBER 30.—*Item*—To consultation with State Agent Gibson. To looking up authorities. To consultations with other parties.

OCTOBER 1.—*Item*—To work done by attorneys and assistants in looking up authorities.

OCTOBER 2.—*Item*—To work done by attorneys and assistants in looking up authorities.

OCTOBER 3.—*Item*—To work performed by my office force looking up United States authorities. To consultation by Mr. Gibson.

OCTOBER 4.—*Item*—To consultations by attorneys and assistants.

OCTOBER 5.—*Item*—To consultation by Mr. Gibson and attorneys. To looking up authorities.

OCTOBER 6.—*Item*—To preparation of brief by attorneys. To looking up Canadian law.

OCTOBER 7.—*Item*—To compiling data for use in my argument, by assistants.

OCTOBER 8.—*Item*—To consultation with State Agent Gibson *re* letter received from Mr. Whiting, stating that Governor Pardee would press matter at Washington.

OCTOBER 9.—*Item*—To consultation with State Agent Gibson during the day; also at night. To looking up authorities.

OCTOBER 10.—*Item*—To looking up authorities. To preparing briefs. To consultation with State Agent Gibson.

OCTOBER 11.—*Item*—To further preparation of briefs. To writing letters to attorneys at Ottawa. To consultation with State Agent Gibson.

OCTOBER 12.—*Item*—To preparing data for use in argument. To looking up authorities.

OCTOBER 13.—*Item*—To consultation with State Agent Gibson. To instructions sent to Ottawa attorneys. To preparation of briefs.

Remarks—It was not until the 14th of October that Collins finally yielded to the pressure brought to bear upon him, and abandoned his various appeals to the courts.

OCTOBER 14.—*Item*—To conference with Collins. To consultation with Collins' attorneys. To consultation with sheriff. To attendance in court before Mr. Justice Martin. To attendance in court before Mr. Justice Duff. To telegrams sent to attorneys in Ottawa.

Remarks—On this day Collins formally notified us that he was willing to give up the fight and return to California. I immediately sent telegrams to my attorneys in Ottawa, instructing them to confer with the minister of justice and have the order of surrender prepared and sent to Victoria. Several long telegrams were sent to my attorneys in Ottawa, and received by me from them. It was necessary for me to attend in court before the different judges in order to have the different proceedings, which were pending, formally abandoned. All proceedings were then formally dismissed. A long conference was had with the sheriff, as he had threatened to hold Collins for the costs of boarding and guarding him during the time he was in the custody of the sheriff. On this day I successfully resisted before the court the application of the sheriff that he be paid over $700, for his charges for guarding Collins.

OCTOBER 15.—*Item*—To consultation with State Agent Gibson and Collins during the day and at night also, regarding the return of Collins to California.

Remarks—These consultations were necessary, as we wished to expedite the return of Collins to California.

OCTOBER 16.—*Item*—To telegrams to attorneys at Ottawa. To consultation with State Agent Gibson during day and at night.

Remarks—Under the extradition act the order for surrender is made out by the department of justice at Ottawa and directed to the sheriff of the county, the chief of police and the state agent, and it was necessary for me to communicate by telegraph with my attorneys at Ottawa instructing them to have the name of the sheriff omitted from the order of surrender, as the sheriff threatened that, if he received the order of surrender, he would hold the same and refuse to hand Collins over to the state agent unless his fees were paid. In order to prevent the carrying out of his threat, we had the order of surrender sent to the lieutenant-governor of British Columbia.

OCTOBER 17.—*Item*—To consultation with the attorney general of British Columbia. To consultation with State Agent Gibson. To consultation with the chief of police. To consulation with the American consul.

Remarks—These consultations and conferences were necessary in view of the threats of the sheriff to secure the order of surrender and hold it until his fees were paid. Also Detective McNaughton, who had guarded Collins, threatened to arrest the said Collins for debt before he left the jurisdiction of British Columbia with the state agent.

OCTOBER 18.—*Item*—To consultation with the provincial secretary of British Columbia. To consultation with State Agent Gibson and the chief of police. To consultation with the American consul.

Remarks—These consultations were had with these parties in view of the contemplated action of the sheriff and Detective McNaughton.

OCTOBER 19.—*Item*—To consultation with State Agent Gibson, and the chief of police. To consultation with the American consul. To consultation with the private secretary of the lieutenant-governor.

Remarks—These consultations were had in order to arrange that the order of surrender when received by the lieutenant-governor, would be handed by the lieutenant-governor's private secretary to the chief of police, and by the said chief of police handed to State Agent Gibson, who would immediately take Collins to California.

OCTOBER 20.—*Item*—To consultation with State Agent Gibson and the chief of police. To consultation with the lieutenant-governor's private secretary.

Remarks—At this consultation and conference I arranged that the order of surrender would be taken out of the post office by the lieutenant-governor's private secretary immediately on arrival of the mail the following day, and that we would

be in attendance at the post office, and the order of surrender would be handed directly to the chief of police, so as to forestall any action by the sheriff or Detective McNaughton.

OCTOBER 21.—*Item*—To consultation with State Agent Gibson and the chief of police. To consultation with American consul. To consultation with lieutenant-governor's private secretary. To attending at post office and receiving order of surrender. To examining order of surrender. To attending with chief of police and State Agent Gibson on departure of Collins from Victoria.

Remarks—On the evening of this day the order of surrender arrived from Ottawa. I attended at the post office with State Agent Gibson and the chief of police and received from the lieutenant-governor's private secretary the order of surrender. In company with State Agent Gibson and the chief of police, I took the order of surrender to my office, where I carefully examined the same, and finding it correct, I handed it to State Agent Gibson, and instructed the chief of police to formally hand Collins over to State Agent Gibson. I attended at the departure of the boat and saw Collins formally handed by the chief of police over to State Agent Gibson, who departed this day with Collins for California.

The sum charged by me for the above services is $12,500. I have already actually paid $200 for telegrams, and on account of attorneys' fees. I will disburse out of the above sum of $12,500 the sum of $4,300 for attorneys' fees and to other persons who assisted me on the case, and whose services it was necessary to have, as explained above. The sum of $1,986.75 mentioned in my statement to the Board of Examiners is made up of amounts which I have actually paid out and am legally bound to pay.

Summary.

My fee, including the disbursements, as above stated	$12,500.00
Stenographer's bill	779.75
Registrar's bill for work	100.00
His assistant, Miss McKay, preparing exhibits	7.50
Father La Terme's fee, for translating Collins' marriage certificate	2.50
	$13,389.75

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO. } ss.

FRANK HIGGINS, being duly sworn, on oath deposes and says that he is duly enrolled as a barrister and solicitor of the Province of British Columbia and Canada, and is the person named in the annexed statement of account as having rendered services for the State of California in the matter of the extradition of George D. Collins, a fugitive from justice from California; that he performed the services mentioned in the annexed statement; that each item of expenditure therein set forth was actually paid out and expended by him, and further states that all the facts alleged therein are true of his own knowledge; that during the period of time taken up by him in conducting the said proceedings mentioned in said statement of account, it was necessary for him to devote his whole time and attention to the case, and was therefore unable to attend to any other business.

FRANK HIGGINS.

Subscribed and sworn to before me this 30th day of March, 1906.
[SEAL.]

HENRY B. LISTER,
Notary Public in and for the City and County of San Francisco, State of California.

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO. } ss.

THOMAS B. GIBSON, being first duly sworn, on oath deposes and says that he is a detective sergeant of the City and County of San Francisco, State of California; that he was in the month of July, 1905, instructed by the district attorney of San Francisco to proceed to Victoria in the matter of the extradition of George D. Collins, a fugitive from justice from California; that said district attorney further instructed him to confer with Frank Higgins, a barrister of Victoria, British Columbia, who was engaged, with the knowledge and consent of said district attorney, on the extradition proceedings at Victoria; that while en route to Victoria he stopped off at Sacramento and received from the proper authority at Sacramento a warrant appointing him state agent for the State of California in the matter of the extradition proceedings had in British Columbia; that he arrived in Victoria on the 17th day of July, 1905, and retained said Frank Higgins to act as counsel in the extradition proceedings on behalf of the State of California; as it was absolutely necessary that the State of California be represented by counsel in said proceedings in order to secure the extradition of said George D. Collins; that this affiant remained in Victoria from the said 17th day of July, 1905, to the 21st day of October, 1905, at which latter date the said Collins was surrendered to him by the authorities of Victoria; that he conveyed the said Collins to the City and County of San Francisco, State of California; that this affiant has read the statement of account of the said Frank Higgins for services rendered by him

on behalf of the State of California in said extradition proceedings; that to the knowledge of this affiant, the said Frank Higgins performed the services mentioned in the annexed statement of account, and expended considerable money and obligated himself to pay other moneys in order to secure the extradition of said George D. Collins; that it was necessary for said Frank Higgins to engage the services of attorneys in Ottawa and in Victoria to assist in said extradition proceedings; that said Frank Higgins, while this affiant was in Victoria, was compelled to devote his entire time and attention to the said extradition proceedings, and to abandon the general practice of his profession; and this affiant states that the facts alleged in said statement of account are true.

THOS. B. GIBSON.

Subscribed and sworn to before me this 31st day of March, 1906.

[SEAL.]

G. H. CABANISS,
Notary Public in and for the City and County of San Francisco, State of California.

STATE OF CALIFORNIA, } ss.
CITY AND COUNTY OF SAN FRANCISCO. }

RANDOLPH V. WHITING, being first duly sworn, on oath deposes and says, that he was assistant district attorney in and for the City and County of San Francisco in the year 1905; that as said assistant district attorney he was in Victoria in the months of July, August, and September in the year 1905, assisting in the proceedings had there for the extradition of George D. Collins to the State of California; that Frank Higgins was engaged as counsel on behalf of the State of California to represent said State in the courts of British Columbia in said extradition proceedings; that he has read the annexed statement of services and knows the contents thereof, and states that the same is true and that the services alleged therein to have been performed by the said Frank Higgins during the time that this affiant was in Victoria, were actually performed by the said Frank Higgins for the State of California; and that during the time that this affiant was in Victoria, the said Frank Higgins was compelled to devote his whole time and attention to the conduct of the said extradition procedings.

RANDOLPH V. WHITING,

Subscribed and sworn to before me this 31st day of March, 1906.

HENRY B. LISTER,
Notary Public in and for the City and County of San Francisco, State of California.

STATE OF CALIFORNIA, } ss.
CITY AND COUNTY OF SAN FRANCISCO. }

JAMES J. GROOM, being duly sworn, on oath deposes and says that he is deputy county clerk in and for the City and County of San Francisco, State of California; that he was a witness in the extradition proceedings had in Victoria, British Columbia, relative to the extradition to California of George D. Collins, and that while affiant was in Victoria he was in constant attendance in court during the day and in the night at the office of Frank Higgins, barrister of Victoria, who acted as counsel for the State of California in such proceedings; that affiant has for some years past been assigned to Department 4 of the Superior Court of the City and County of San Francisco, State of California, and is therefore able to speak as to the nature and extent of the work required of counsel engaged in this case; that this affiant knows of his own knowledge that the said George D. Collins, in opposing such extradition proceedings at Victoria, submitted innumerable propositions of law and raised many technicalities and obstacles against the case of the State of California, and the said Frank Higgins was compelled to devote his whole time and attention day and night to the case while this affiant was in Victoria.

J. J. GROOM.

Subscribed and sworn to before me this 30th day of March, 1906.

J. C. B. HUBBARD,
Judge Superior Court in and for the City and County of San Francisco, State of California.

LEWIS F. BYINGTON
ATTORNEY AND COUNSELOR
Mutual Savings Bank Building
San Francisco, Cal.

SAN FRANCISCO, March 22, 1906.

State Board of Examiners, Sacramento, California.

GENTLEMEN: In November last I wrote to the Governor concerning a claim presented by Mr. Frank Higgins of Victoria, B. C., for $12,500.00 for legal services rendered in the matter of the extradition of George D. Collins on a charge of perjury. I stated that while I had not engaged Mr. Higgins, I thought his services in behalf of the State were reasonably worth $1,500.00. Mr. Higgins has lately called upon me and has informed me fully as to the extent of his services and the amount of time consumed therein. I have also spoken to Mr. R. V. Whiting, who went, as a deputy district attorney, to Victoria and acted with Mr. Higgins in the

extradition proceedings. We called upon Attorney-General Webb and laid the case before him. After hearing all the facts I am of the opinion that the sum suggested by me as a fee, in my letter of November last, is too low.

The extradition of Collins was vigorously contested and extended over a period of several weeks, the proceedings being carried before different courts of British Columbia. Mr. Whiting stated that without the untiring labors of Mr. Higgins he believes that Collins would not have been returned to the jurisdiction of our courts, from which he fled. Both Mr. Whiting and Mr. Thomas F. Gibson, the latter the agent of this State, to bring back the fugitive state that it was necessary to have the services of Mr. Higgins in the extradition proceedings, that this government would otherwise have been unrepresented and that he acted with and for them and as the representative of California. I believe that the State should pay him for his services, and that your honorable board, after having heard him fully in the premises, should allow him such fee as is reasonable and just.

Very truly yours,

LEWIS F. BYINGTON.

5607 OFFICE OF THE STATE BOARD OF EXAMINERS,
SACRAMENTO, April 5, 1906.

The annexed account, for $12,500, presented by Frank Higgins for fees, extradition George D. Collins, is approved for the sum of nine thousand five hundred and no-100 dollars, for which an appropriation has been made, and by virtue of the authority conferred upon this board by Section 666 of the Political Code do hereby transmit this claim to the honorable Senate and Assembly of the State of California, in the thirty-seventh session convened, with this statement of approval, and the recommendation that an appropriation be made to pay the same.

GEO. C. PARDEE,
Governor of California,
C. F. CURRY,
Secretary of State,
C. N. POST,
Assistant Attorney-General,
State Board of Examiners.

UNITED STATES OF AMERICA AND THE STATE OF CALIFORNIA.

In Account with FRANK HIGGINS, Victoria, B. C.

To counsel fees on proceedings to secure extradition of George D. Collins on requisition from Governor of State of California, in which proceedings commitment for extradition was secured; and counsel fees for representing the State of California in opposing proceedings by way of habeas corpus brought by George D. Collins to secure release from custody under the warrant of commitment for extradition, in which proceedings a judgment was rendered upholding the commitment; and counsel fees in opposing subsequent proceedings by way of habeas corpus, launched by said George D. Collins; and counsel fees in obtaining the abandonment of all habeas corpus proceedings and securing the return of George D. Collins to the State of California; and general services performed as counsel and attorney and numerous consultations during the period extending from 12th July to 21st October inclusive; and fees of my agents in Ottawa for their attendance before the Minister of Justice in arranging the return of George D. Collins to the State of California, and telegrams, letters, etc. $12,500.00

Filed: Nov. 18, 1905.

A. J. PILLSBURY,
Sec'y State Board of Examiners.

To the Honorable the State Board of Examiners, Sacramento, California.

GENTLEMEN: As per request of your honorable body, through Mr. Frank Higgins, I take the liberty of handing you herewith my certificate as state agent for the State of California, in the extradition proceedings of the *People* vs. *George D. Collins*, brought back from Victora, British Columbia, setting forth the fact that Mr. Higgins, as an attorney, represented the State of California in all the steps taken in British Columbia, during the proceedings above referred to.

Very respectfully,

THOS. B. GIBSON,
State Agent for the extradition of George D. Collins
from Victoria, British Columbia.

San Francisco, California, January 23rd, 1906.

STATE OF CALIFORNIA,)
CITY AND COUNTY OF SAN FRANCISCO.) ss.

This is to certify that Honorable Frank Higgins, of Victoria, British Columbia, was engaged to act as attorney for the State, in the extradition proceedings

had in British Columbia, in the case of the *People of the State* vs. *George D. Collins.*

In witness whereof I have hereunto set my hand this 23rd day of January, A. D. 1906.

THOS. B. GIBSON,
State Agent for the extradition of George D. Collins from Victoria, British Columbia.

San Francisco, California, January 23rd, 1906.

Subscribed and sworn to before me this 23rd day of January, A. D. 1906.

[Seal.] LAWRENCE BUCKLEY,
Deputy County Clerk, and ex-officio Deputy Clerk of the Superior Court.

VICTORIA, B. C., January 10th, 1905.

State Board of Examiners, Sacramento, Cal.
Re Collins' extradition.

GENTLEMEN: Referring to your letter of the 21st ult., in which you state that you desire to be apprised of my retention to act here as counsel for the State of California on the extradition of George D. Collins from Canada to California, I am to-day advised through officials of the State that you are now made aware of my having been retained in that behalf and that I acted on the proceedings.

If you have been so advised I would esteem it a favour if my account could be passed by your honourable board at your earliest convenience. If, on the other hand, you have not been so apprised I would like you to advise me on receipt hereof so that I can take immediate steps to satisfy you as to my position in the matter.

I am, gentlemen, yours respectfully,

FRANK HIGGINS.

OFFICE CHIEF OF POLICE,
VICTORIA, B. C., December 27th, 1906.

J. F. Dinan, Esq., Chief of Police, San Francisco, Cal.:

DEAR SIR: In accordance with the instructions received from you, the District Attorney and Judge Lawlor, in July last, I engaged Mr. Frank Higgins, of this place, on your behalf, to act as counsel in the Collins extradition proceedings. Mr. Higgins has shown me a letter which he has received from the Secretary of the State Board of Examiners, to the effect that the bills for the extradition of Collins have been filed with the Board of Examiners, but have not, as yet, received their official audit, and, that before the board can take up the accounts, it is necessary for them to be apprised of Mr. Higgins' appointment as counsel for the State of California on these proceedings. When Sergeant Detective Gibson arrived here under proper warrant from the State, I informed him that I had retained Mr. Higgins, and as State agent, he also retained Mr. Higgins, who acted throughout the proceedings here. I might say, that during the time Gibson was here, he showed me a telegram that he had received from you, in which you stated that the State would pay the costs of extradition. I wish that you would see Gibson, and have him file the certificate with the State Board of Examiners, to the effect that Mr. Frank Higgins was appointed counsel and acted as counsel throughout the whole of the extradition proceedings. Kindly have this done at once, and write me when the certificate is filed. I am being constantly annoyed by persons here who have claims which were incurred in these proceedings, and I am very anxious to have the matter closed at the earliest possible date.

Hoping that you will give this matter your prompt attention, and wishing you a very happy New Year, I am,

Yours very sincerely,

J. M. LANGLEY.
Chief of Police.

J. C. B. HEBBARD,
Judge of Superior Court, City Hall.

SAN FRANCISCO, CAL., March 30, 1906.

Hon. Chas. F. Curry, Sacramento, Cal.

MY DEAR CURRY: Please do as much as you can, conscientiously, for Frank Higgins, the attorney who, in Victoria, did so much work in the case of Geo. D. Collins. It is a shame that the State of California should fail to pay his fees and expenses in this matter. Hope you are well and happy. Yours,

J. C. B. HEBBARD.

J. C. B. HEBBARD,
Judge of Superior Court, City Hall.

SAN FRANCISCO, CAL., March 30, 1906.

Hon. Charles F. Curry, Secretary of State, Sacramento, Cal.

MY DEAR CURRY: Mr. Frank Higgins, an attorney from Victoria, B. C., has presented to the State Board of Examiners, a claim for $12,500.00 for services to the State of California in the extradition of one Geo. D. Collins. I was sent to Victoria to represent the county clerk and know all that transpired. I can assure you that in all my court experience, covering about 20 years, I never knew of a

more earnest, conscientious and untiring worker than Mr. Higgins. Were it not for the valuable services rendered by him, Collins would be a free man today. I have no hesitation in saying that many of our local attorneys would have charged Victoria double the amount of Higgins' claim, for like services performed at this end. Trusting that as one of the board of examiners, you will give Mr. Higgins full consideration, I remain very sincerely yours,

J. J. GROOM.

OFFICE CHIEF OF POLICE.
SAN FRANCISCO, CAL., January 15, 1906.

Any further correspondence on this subject refer to No. 7259.

To the Honorable, the State Board of Examiners, Sacramento, California.

GENTLEMEN: Permit me to hand you herewith copy of a letter received from Chief of Police J. M. Langley, of Victoria, British Columbia, relative to the expense account of Mr. Frank Higgins, an attorney of that city, who represented the State of California in the case of the extradition of George D. Collins. On receipt of the letter above quoted, a copy was made and transmitted to Mr. Lewis F. Byington, our District Attorney, as well as his Honor, William P. Lawlor, presiding Judge of our Superior Court. Today I am in reecipt of a communication from Mr. Byington, setting forth the facts fully in the matter in question, a copy of which I have taken the liberty of enclosing you herewith.

Hoping that the matter may be adjusted to the satisfaction of all, I remain,

Very respectfully,

J. F. DINAN,
Chief of Police.

(B-I) 2 encs.

From Sir H. M. Durand to Lord Grey.

LENOX, MASS., July 28th, 1906.

MY LORD: With reference to Your Lordship's dispatch No. 28 of April 30th, relating to the claim of Mr. Higgins for the payment of the extradition expenses in the Collins case, I have the honor to transmit to you herewith a copy of note which I have received from the state department, in which, while admitting the ultimate responsibility of the federal government for the payment of extradition expenses, they point out that the practice observed for many years has been to refer these accounts to the state governments for liquidation. In the present instance, in view of the previous arrangement arrived at, with which, they again assert, Mr. Higgins had expressed his satisfaction, and in view of the calamity which has temporarily embarrassed the State of California, they urge that the state department should not be put in the position of pressing an afflicted State for the payment of a claim which it has every intention of discharging in the ordinary course of business.

I have, etc.

(sd) H. M. DURAND.

DEPARTMENT OF STATE.
WASHINGTON, July 21, 1906.

EXCELLENCY:—I have the honour to acknowledge the receipt of your note of the 16th ultimo, in which, referring to the claim of Mr. Frank Higgins against the State of California for his services as attorney in securing the extradition of George D. Collins from Canada to California, you submit for the favourable consideration of this department Mr. Higgins' suggestion that his claim should be met by the Government of the United States.

The Department freely recognizes the international responsibility of the United States in fulfilling all treaty obligations. When the Ashburton Treaty provides that the expenses of "apprehension and delivery shall be borne by the party who makes the requisition and receives the fugitive," of course the "parties" referred to are the United States and Great Britain. It admits of no question that, internationally speaking, the United States is primarily *liable for all extradition expenses incurred at its request.* It is equally clear, for reasons which need not be stated here, that according to American constitutional and municipal law the expenses of extraditing an offender against the laws of a State should, as between the State and the United States, be borne by the State. On this account, as a matter of convenience, it has been customary for the authorities representing the State ultimately liable, according to American municipal law, to pay the expenses in the first instance, and, in accordance with this custom, in the present case the State of California made arrangements for the payment of the expenses of extraditing Collins, an offender against California law. Mr. Higgins acted on this custom and effected a settlement on account with the State of California. It is true he says he charged the United States, as well as the State of California, but his bill was audited and, after being materially reduced, allowed by the proper officers of the State of California.

The settlement appears to have been satisfactory to Mr. Higgins, and he seems to have made no objection at the time to the fact that he would have to await the next meeting of the California Legislature before the State could make an appropriation in settlement of this bill. The California authorities were evidently under

the impression that he was willing to wait until that time, and nothing has happened until comparatively recently to show that Mr. Higgins was not still satisfied with the arrangement.

In view of these circumstances, and in the light of the practice of the department which has been in force for fifty years, to refer these bills to the States for payment and not liquidate them itself in the first instance, I have the honor to suggest for your consideration whether the usual course may not be adopted in the present case; and whether, out of consideration for the State of California, which has not yet recovered from its recent great calamity, it would not be an act of courtesy on the part of Mr. Higgins to refrain from demanding payment of his bill at the present time, or of putting this department in the position of pressing an afflicted State in regard to a matter which it has always intended to adjust in regular course of business, but which, for reasons heretofore explained, remains temporarily unadjusted.

I have, etc.

(Sd) ROBERT BACON,
Acting Secretary.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Bill passed temporarily on file.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Bill read third time on a previous day.

RECESS.

The hour of twelve o'clock and thirty minutes P. M. having arrived during the discussion of the bill, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 541 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cullen, Davis, Devlin, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Messrs. Chandler, Cornish, McConnell, and Pyle—4.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS.

The time having arrived for the consideration of the following special orders, the same were taken up, as follows:

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or any other state, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any Veterans' or Soldiers' Home, or persons of the theatrical profession.

Bill read third time on a previous day.

Mr. Whitmore moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend the title by striking out of line 4 of printed bill, the words "relating to" and inserting in lieu thereof the following: "prohibiting."

Also: Amend the title by inserting in line 5 of printed bill, after the words "wearer of the uniform of the United States Army or Navy" the following: "or National Guard, and providing a penalty for the violation thereof."

Also: Amend by striking out of title of printed bill, the words "or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other state, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any Veterans' or Soldiers' Home, or persons of the theatrical profession."

Also: Amend by striking out of line 7, page 1 of printed bill, the word "or" after the word "corps," and inserting the following: after the word "several," same line, "or Forest Service."

Also: Amend by inserting on line 9, page 2 of printed bill, the words "or National Guard."

Also: Amend by adding after the word "profession," line 19, page 2 of printed bill, the following: "*And provided*, that nothing in this Act shall be construed as prohibiting the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; *and provided further*, that whenever the National Guard or any part thereof is in actual service, or is called into active service, no civic organization or member thereof shall parade or appear in uniform in the locality where said National Guard is in service."

Motion carried.

The Speaker appointed Mr. Whitmore as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 561, with instructions, do now report that the instructions of the Assembly have been carried out

WHITMORE, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint and reëngrossment.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of the text-book committee.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 543 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 462 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell. Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Hammon, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—61.

NOES—Mr. Chandler—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602½, relating to the tearing down of fences and the opening of gates, bars, and fences, and the hunting upon lands of another, and the killing, maiming, or wounding of any animal, and the leaving of camp fires burning or unextinguished.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 24 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Hammon, Held, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McLellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—54.

NOES—Mr. Butler—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, the special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 422 refused passage by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Boyle, Butler, Collister, Cornish, Cullen, Davis, Eshleman, Fisher, Forbes, Hammon, Johnson of San Diego, Jury, Kelly, Lucas, Ludington, McConnell, McGuire, McKeon, McMullin, Percival, Pyle, Root, Sackett, Strobridge, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—35.

NOES—Messrs. Bishop, Bush, Campbell, Case, Cogswell, Cutten, Devlin, Drew, Estudillo, Finney, Hans, Held, John, Johnson of Sacramento, Lynch, McClellan, O'Brien, Otis, Pierce, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, and Wyatt—27.

NOTICE OF MOTION TO RECONSIDER.

Mr. Transue gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 422 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 509 passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Boyle, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Johnson of Sacramento, Johnson of San Diego, Kelly, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

During the third reading of the bill, Mr. Lucas moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the word "challenge" in line 9 of printed bill and insert in lieu thereof the word "challenges."

Motion carried.

The Speaker appointed Mr. Lucas as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 370, with instructions, do now report that the instructions of the Assembly have been carried out.

LUCAS, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to print and reëngrossment.

LEAVE OF ABSENCE.

At four o'clock and ten minutes P. M., Mr. Estudillo was granted leave of absence for the remainder of the day.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 349—An Act to amend Sections 4332 and 4333 of the Political Code of the State of California, relating to fees of public officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 349 passed by the following vote.

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cornish, Cullen, Davis, Devlin, Drew, Hans, Held, Johnson of Sacramento,

Johnson of San Diego, Kelly, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 500 passed by the following vote:

AYES—Messrs. Beban, Bishop, Boyle, Bush, Campbell, Cogswell, Collister, Cornish, Cullen Davis, Devlin, Drew, Finney, Forbes, Hammon, Hans, Held, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.
NOES—Mr. Cutten—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 242 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Hammon, Hans, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Price, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 101—An Act to amend Sections 3346 and 3346*a* of the Civil Code, and to add thereto a new section, to be denominated Section 3346*b*, all relating to the measure of damages for injuries to timber and timber lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 101 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Campbell, Cogswell, Collister, Cornish, Cullen, Devlin, Drew, Forbes, Hammon, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Lucas, Ludington, Lynch, McConnell, McGuire, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—41.
NOES—Messrs. Cutten, Finney, Lemon, McKeon, and Weske—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 212 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Boyle, Bush, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Finney, Hammon, Johnson of Sacramento, Johnson of San Diego, Kelly, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Devlin, at the request of Mr. Walsh, asked for and was granted unanimous consent to withdraw Assembly Bill No. 454—An Act to amend Section 348 of the Code of Civil Procedure of California, relating to the time within which actions must be commenced.

WITHDRAWAL OF BILL.

Assembly Bill No. 454 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 106 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hammon, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Lucas, Ludington, McConnell, McGuire, McMullin, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 548—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 548 passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hans, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Ludington, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pyle, Root, Snyder, Spaulding, Stanton,

Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 570 passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Bush, Collister, Cornish, Cutten, Davis, Devlin, Drew, Finney, Hammon, Hans, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81—An Act to add a new section to the Political Code, to be numbered Section 2641*a*, and relating to the election of highway officers in counties of the forty-eighth and fifty-first classes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 81 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hans, Johnson of Sacramento, Kelly, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read.

Mr. Cornish moved to amend the title of Assembly Bill No. 81 as follows:

By striking out of said title after numerals, "2641*a*," on third line of title, and inserting in lieu thereof the following: "Creating the office of road overseer in counties of the forty-eighth and fifty-first classes, prescribing their duties, and providing for their compensation."

Amendment adopted, and title as amended approved.

Bill ordered to reprint and reëngrossment.

Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 449 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Finney, Fisher, Forbes, Hammon, Hans, Johnson of Sacramento, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Bill read third time.

Bill passed on file for further consideration.

SECOND READING OF BILLS.

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 378—An Act to amend Section 1388 of the Civil Code, relating to succession to the estates of illegitimates.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting the word and figure "Section 1" at the beginning of line 1 of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 379—An Act to add a new section to the Penal Code, to be numbered Section 928*a*, and relating to the powers of grand juries.

Bill re-referred to Committee on Judiciary.

Assembly Bill No. 573—An Act to amend Section 1181 of the Penal Code of the State of California by adding a new subdivision thereto, to be numbered 8, relating to granting of new trials.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley of Tulare Lake and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "commissioner," on line 3, Section 13, page 4 of printed bill, and inserting in lieu thereof the following: "commissioners."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts and condemnation of property therefor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

By striking out in lines 1 and 2 of Section 1, on page 1, of the printed bill, the following words: "It shall be unlawful for any officer, agent, or solicitor of any life insurance company," and inserting in lieu thereof the following: "It shall be unlawful for any fire, marine, accident, casualty, liability, or life insurance company, or any officer, agent, or solicitor thereof."

Amendment adopted.

AMENDMENT No. 2.

By striking out in line 6, of Section 1, on page 1 of the printed bill, after the word "dividends," the word "of" and inserting in lieu thereof "or."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway.

Bill read second time, and ordered to third reading.

Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors.

Bill read second time, and ordered to third reading.

Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot, at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 37 ocnsidered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot, at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller—and do now report the same back and recommend that it do pass.

BEARDSLEE, Chairman.

Report adopted.

Assembly Bill No. 37 read second time, and ordered to third reading.

Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Bill read second time, and ordered to third reading.

MESSAGES FROM THE SENATE.

On motion of Mr. Transue, the following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 165—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Also: Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 411—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districst, providing for the additional territory thereto, and taxation thereof.

Also: Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate courses of instruction in the public schools.

Also: Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Also: Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Also: Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757*a*, relating to the office hours of the Clerk of the Supreme Court.

Also: Senate Bill No. 235—An Act to amend Section 2153*a* and 2154 of the Political Code of the State of California, relating to State hospitals for the care and treatment of the insane.

Also: Assembly Bill No. 263—An Act entitled "An Act to amend Section 1669 of the Political Code," relating to the establishment of high schools.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended and passed the following as amended:

Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke, for services performed as acting guardian at the Marshall monument at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners, in accordance with the provisions of law).

Also: Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments in counties, cities and counties, cities or towns.

And respectfully request your honorable body to concur in the same.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

Senate Bill No. 165 read first time, and referred to Committee on Judiciary.

Senate Bill No. 163 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 411 read first time, and referred to Committee on Education.

Senate Bill No. 527 read first time, and referred to Committee on Education.

Senate Bill No. 528 read first time, and referred to Committee on Education.

Senate Bill No. 386 read first time, and referred to Committee on Public Works, State Capitol, and Parks.

Senate Bill No. 487 read first time, and referred to Committee on Judiciary.

Senate Bill No. 235 read first time, and referred to Committee on State Hospitals and Asylums.

Assembly Bill No. 263 ordered to enrollment.

SENATE AMENDMENTS.

The Clerk was directed to read the Senate amendments to Assembly Bill No. 429.

AMENDMENT No. 1.

Amend title by striking out the words "as acting guardian," and the words "during which period there was no regularly appointed guardian, and no salary paid for the same."

AMENDMENT No. 2.

Amend Section 1, in line 5, of the printed bill, by striking out the words "as acting guardian"; and, also, amend Section 1, lines 7 and 8, of the printed bill, by striking out the words "during which period there was no regular appointed guardian, and no salary paid for the same."

The question was then put, "Shall the Assembly concur in Senate amendments to Assembly Bill No. 429?"

On motion of Mr. Transue, the further consideration of Senate amendments and Assembly Bill No. 429 were ordered on file as unfinished business.

The Clerk was directed to read the Senate amendment to Assembly Bill No. 111.

SENATE AMENDMENT.

Amend by striking out of the enacting clause the following: "to wit."

The question was then put, "Shall the Assembly concur in Senate amendment to Assembly Bill No. 111?"

On motion of Mr. Transue, the further consideration of the Senate amendment and Assembly Bill No. 111 were ordered on file as unfinished business.

WITHDRAWAL OF BILL.

Mr. Held asked for and was granted unanimous consent to withdraw Assembly Bill No. 18—An Act to amend Section 686 of the Penal Code of the State of California, relating to the rights of a defendant in a criminal action.

Bill withdrawn and ordered stricken from the file.

ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Transue, the Assembly was declared adjourned until ten o'clock A. M. Saturday, February 9, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 9, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beban, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, McClellan, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Pierce, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, the following members were granted leave of absence for the day: Messrs. Fratessa, McConnell, Snyder, Lynch, and Thompson of San Francisco.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to make a motion out of order.

MOTION—(OUT OF ORDER).

Mr. Johnson of Sacramento moved that when the Assembly this day adjourns, it adjourn until Monday, February 11, 1907, at ten o'clock A. M.

Motion carried.

PETITION.

The following petition was received and, on motion of Mr. Sackett, ordered printed in the Journal:

California Federation of Women's Clubs' Petition to the Legislature of the State of California for free Text-books.

WHEREAS, We believe the furnishing of free text-books is beneficial to the maintenance of a thorough and efficient common-school system;

WHEREAS, We know that thousands of dollars are wasted each year because teachers must wait for pupils to supply themselves with necessary books;

WHEREAS, We believe that furnishing free text-books for all is not demoralizing or socialistic, but on the contrary is conducive to the general good the same as furnishing free school-houses and free instruction;

WHEREAS, We believe that our present law by which free text-books are furnished to the indigent only is demoralizing and undemocratic, for it singles out children of the poor and disgraces them in the eyes of their companions, thus making a class distinction evil in its effect;

WHEREAS, It has been found that in states and cities furnishing free text-books the number of pupils in attendance has increased and that the average duration of pupils' attendance in school has lengthened, and that from a pedagogical standpoint the whole efficiency of school work has improved;

Therefore, we, the undersigned citizens of California, do most earnestly petition the Legislature of the State of California to so amend the State Constitution that all children of the primary and grammar schools of the State of California shall be supplied with necessary text-books, free of charge; such text-books to remain the property of the city or district furnishing them.

Respectfully submitted.

Mrs. John Swanner, Santa Ana, Ch. Ed. Com., C. F. W. C.

Alice L. Park, 611 Gilman street, Palo Alto, chairman education committee of S. F. Federation of Women's Clubs.

Mrs. J. W. Orr, president California Club, and Irene Milton McMaster, secretary of California Club of California; 500 members.

Official action November 27, 1906, club meeting.

Mrs. Robert Potter Hill, president California Federation of Women's Clubs; 14,000 members.

Mrs. C. A. Williams, president of Petaluma Corona Social and Literary Club; 17 members.

Mrs. M. Farrell, president Mountain View Women's Club; 49 members.

Mrs. Ina A. Orvis, recording secretary of the San Francisco district of the California Federation of Women's Clubs.

Mary Fairbrother, 1238 Steiner street, San Francisco, California Business Women's League; 50 members.

Mrs. A. E. Osborne, president Santa Clara Woman's Club; 50 members.

Mrs. G. A. Penniman, Santa Clara Women's Club.

Mrs. Marion Perry, Vallejo Improvement Club.

Mrs. O. E. Clark, Napa, president New Century Club; 190 members.

Mrs. J. E. Trueman, San José Women's Club.

Capitola Corey, San Francisco.

Mrs. L. F. MacIntyre, 727 Emery street, College Park.

Mrs. Chas. H. Rodgers, Watsonville, Cal.

Mrs. A. T. Schloss, San Francisco, Cal., chairman of civic department of California Club.

Mrs. J. G. Walker, San Francisco, chairman purity of streams committee.

Mrs. E. H. O'Neil.

Mrs. J. S. Shannon, Santa Clara.

Mrs. Joseph Robinson, president South Park Settlement Club; 30 members.

Mrs. J. Papadasches, South Park.

Mrs. Wilburt, South Park Settlement.

Mrs. Annie R. Moyes, Pacific Grove, Cal.

Mrs. J. E. Curtiss, president Willows R. and I. Club.

Mrs. Geo. Law Smith, 2286 Jackson street, San Francisco, ex-president California Federation Women's Clubs.

Mrs. Mary Simpson Sperry, 2100 Pacific avenue, San Francisco, president State Suffrage Association.

Mrs. Ellen C. Sargent, 2417 California street, San Francisco, honorary president California Equal Suffrage Association.

Lyman Evans, president Riverside High School Board.

A. N. Wheelock, superintendent Riverside city schools.

November 23, endorsed by the Southern district (Orange, San Diego, Riverside, and San Bernardino counties) at their annual convention; 31 clubs.

November 20, endorsed by the Los Angeles district, 54 clubs, at their annual convention; Mrs. O. C. Bryant, president.

Kate M. Lemberger, president Southern district, C. F. W. C.

Mrs. A. S. McPherron, corresponding secretary Contemporary Club.

Harriet M. Curtis, president San Bernardino Women's Club.

Mrs. W. C. Hebberd, president Colton Women's Club.

Mrs. F. W. Wood, president Highland Club.

Carrie A. Taylor, president Woman's Club of Riverside.

Ida Farquhar, recording secretary.

Jennie J. Mills, president Crafton Women's Club.

Frances E. Lillie, Elsinore.

Mrs. J. W. Gleason, president Extemporaneous Drill Club, Riverside.

Mrs. J. W. Bishop, the Ebell Society of S. A. V.

Mrs. J. M. Westerfield, Saturday Afternoon Club, Banning.

Mrs. W. B. Hill, president of the San José Women's Club; 108 members.

January 2, 1907, approved by the Palo Alto Women's Club.

Mrs. M. M. Stuart, president Palo Alto Women's Club, 101 members.

Mrs. C. G. Dingley, secretary.

Dec. 5, approved by the S. F. District Federation in annual convention; 42 clubs.

Mrs. E. C. Hurff, San José, president; Mrs. W. S. Crois, secretary.

Mrs. E. A. Mitchell, president Vallejo Women's Improvement Club.

Mrs. Henry S. Bridge, president Mill Valley Outdoor Art Club; 152 members.

Mrs. Sophia E. Peart, Laurel Hall Club.

Miss Emma J. Stevens, secretary Mountain View Club.

Lillian Harris Coffin, San Francisco Equal Suffrage League; 125 members.

Katherine Reed Balentine, secretary.
Mrs. Frances A. Cobb, president Corona Club, 200 members.
Mrs. H. L. Seager, member Corona Club.
Mrs. F. J. Mayhew, member Corona Club.
Flora M. MacDonald, D. D. S., Corona Club.
Mary A. Lakin, Palo Alto Woman's Club.
Mrs. Chas. Carroll O'Donnell, Glen Ellen Club; 32 members.
Helen L. Vail, Clionian Club; 50 members.
Ella W. Barker, Women's Club, San José.
Agnes M. Lowrie, California Club.
H. M. Lee, Watsonville.
E. M. Buck, San José, member of Manzanita Club.
Mrs. A. C. Darby, president Manzanita Club; 25 members.
Mrs. S. W. Gilchrist, president Tudian Association; 75 members.
Mrs. C. R. Kemberlin, Woman's Club, Santa Clara.
Mrs. F. G. Franklin, San José, Cal.
Helen Moore, secretary of Civic League, San Francisco, Cal.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby—report the same back, and recommend its passage.

Also: Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597*a*, Section 597*b*, Section 597*c*, and Section 597*d*, relating to docking of horses' tails, and providing a punishment therefor—and report the same back, and recommend its passage.

Also: Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases—and report the same back, and recommend its passage.

Also: Assembly Bill No 409—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes, and alleys not within the terrritory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts—and report the same back, and recommend its passage.

Also: Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising 28 sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions, and prescribing the method of such formation, and of providing funds for said purposes—report the same back, with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 448—An Act to add a new section to the Civil Code, to be known and numbered as Section 468*a*, providing for the management of railroad trains in crossing drawbridges—report the same back, with three amendments, and recommend its passage as amended.

Also: Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment—report the same back, with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children—report the same back, with three amendments, and recommend its passage as amended.

Also: Assembly Bill No. 551—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges—report the same back, and recommend its passage.

Also: Assembly Bill No. 559—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California—report the same back and recommend its passage.

Also: Assembly Bill No. 585—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and Acts amendatory thereof, by amending Section 3 of said Act—report the same back, with recommendation that the author be granted the privilege of withdrawing same.

Also: Assembly Bill No. 375—An Act to enable executors to sell real property or interests in real property belonging to estates now in probate, without filing a petition

as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accountings filed in the Superior Courts were in whole or in part destroyed by the fire on or about April 18, 1906, which burned a portion of the City of San Francisco—report the same back, with recommendation that the privilege of withdrawing same be granted author.

JOHNSON of Sacramento, Chairman.

The above reported bills, with the exceptions of Assembly Bill No. 585 and Assembly Bill No. 375, ordered on file for second reading.

WITHDRAWAL OF BILLS.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bill No. 585.

Assembly Bill No. 585 withdrawn, and ordered stricken from the file.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bill No. 375.

Assembly Bill No. 375 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1907.

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 6—Relative to improvement of waterways in the Sacramento and San Joaquin valleys—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGHLAN, Chairman.

Mr. Coghlan moved that the consideration of Assembly Concurrent Resolution No. 6 be now proceeded with.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION NO. 6.

Resolved by the Assembly, the Senate concurring:

THAT, WHEREAS, The growing needs and future development of the commerce of the Sacramento and the San Joaquin valleys require the improvement of the waterways of these valleys, by the introduction of a greater depth of water for the San Joaquin, Sacramento and Feather rivers.

AND WHEREAS, The control of said waterways for commerce is under the jurisdiction of the War Department of the Federal Government;

Therefore be it resolved, That our Senators and Representatives in Congress be and they are hereby requested to use their best efforts to secure the adoption of a resolution by Congress authorizing and directing the War Department to make investigations and surveys for the purpose of determining and reporting the cost, practicability, and advantages of providing fifteen feet minimum depth of water for the San Joaquin River from its mouth to the City of Stockton, a like depth for the Sacramento River from its mouth to the City of Sacramento, with nine feet from there to the mouth of the Feather River and seven feet up the Feather River to the City of Marysville; and also the probable influence of such channel improvement in effecting flood relief; and also a general outline of work needed for any further channel rectification and enlargement of said rivers essential to the reclamation of the vast area of adjacent low lands and the better transportation of their increased products to market on said rivers;

Resolved, That a copy of these resolutions be immediately transmitted to our Senators and Representatives in Congress.

Assembly Concurrent Resolution read.

The roll was called, and Assembly Concurrent Resolution No. 6 adopted by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Eshleman, Fisher, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Wessling, Wilson, and Mr. Speaker—43.

NOES—None.

Concurrent resolution ordered transmitted to the Senate.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education, regarding fraternities in public schools.

Also: Assembly Bill No. 542—An Act to amend Section 1771 of the Political Code, relating to duties of county boards of education.

Also: Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Also: Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate courses of instruction in the public schools.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

SACKETT, Chairman.

The above reported bills ordered on their respective files for second reading.

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1907.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecution under this may be commenced—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

BIRDSALL, Chairman.

Senate Bill No. 7 ordered on Senate file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

Also: Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Also: Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Also: Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Also: Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Also: Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Also: Assembly Bill No. 607—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461 thereof, both relating to the general fund.

Also: Assembly Bill No. 608—An Act to add a new section to the Political Code, to be known as Section 453*a* thereof, relating to donations to the State.

Also: Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Also: Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Also: Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Also: Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Also: Assembly Bill No. 474—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks—have had the same under consideration, and respectfully report the same back, with five amendments.

Also: Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons—have had the same under consideration and respectfully report the same back with six amendments.

Also: Assembly Bill No. 606—An Act to repeal Article XIII, of Chapter III, of Part III, of the Political Code, relative to State Geologist—have had the same under consideration and respectfully report the same back with two amendments.

And recommend that they do pass as amended.

WYATT, Chairman.

The above reported bills, with the exception of Assembly Bill No. 473, ordered on file for second reading.

Assembly Bill No. 473 referred to Committee on Judiciary.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 1—A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage—have had the same under consideration, and respectfully report the same back, and recommend by a majority vote that the same be adopted.

Also: Constitutional Amendment No. 10—Relative to proposal to the people of the State of California of an amendment to the Constitution of said State by amending Article XIII thereof, by repealing Section 4 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WESKE, Chairman.

The above reported constitutional amendments ordered on file for adoption.

ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1907.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 252—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

PIERCE, Chairman.

Assembly Bill No. 252 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following correctly engrossed:

Assembly Concurrent Resolution No. 14—Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

HANS, Chairman.

Assembly Concurrent Resolution No. 14 ordered transmitted to the Senate.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 97—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work and the operation of the School of Agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

Also: Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeals, Second District of California.

Also: Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Also: Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold Farmers' Institutes, and making appropriation therefor.

Also: Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 78—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 86—An Act to provide for the purchasing of a site and building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make an appropriation for the same.

Also: Assembly Bill No. 128—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 614—An Act to make an appropriation for the location, survey, and construction of a State highway from the point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FINNEY, Chairman.

Assembly Bill No. 614 referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Johnson of Sacramento: Assembly Bill No. 769—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 770—An Act to amend Section 987 of the Penal Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 771—An Act to add a section to the Code of Civil Procedure, to be known as Section 1034½, relating to costs in civil actions and proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 772—An Act to amend Section 453 of the Code of Civil Procedure, relating to striking out sham and irrelevant answers and irrelevant and redundant matters inserted in a pleading.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 773—An Act to add a section to the Code of Civil Procedure, to be known as Section 1033½, relating to costs in civil actions and proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 774—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 775—An Act to add a new section to the Code of Civil Procedure, to be numbered 431*a*, providing for the imposition of a court fee on the overruling of a demurrer.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Transue: Assembly Bill No. 776—An Act authorizing the State Surveyor General to furnish his office and vault therein, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 777—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stanton: Assembly Bill No. 778—An Act to change the boundaries of the County of Los Angeles.

Bill read first time, and referred to Committee on Counties and County Boundaries.

Also: Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Thompson of Los Angeles: Assembly Bill No. 780—An Act to amend Section 9 of an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, their assistants, deputies, clerks, and employés," approved March 18, 1903.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Wyatt: Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase and diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Sackett: Assembly Bill No. 783—An Act to establish a State Training High School near or on the grounds of the University of California, at Berkeley, in the County of Alameda, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Transue: Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. O'Brien: Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stetson: Assembly Constitutional Amendment No. 19—A resolution proposing to the people of the State of California an amendment to Section 3, of Article XI, of the Constitution of the State of California, relative to the formation of new counties.

Constitutional amendment referred to Committee on Constitutional Amendments.

By Mr. Case: Assembly Concurrent Resolution No. 16—Relative to Lincoln's birthday observance.

Concurrent resolution referred to Committee on Contingent Expenses and Accounts.

BILLS RE-REFERRED.

On motion of Mr. Otis, Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer—was recalled from the Committee on Revision and Reform of Laws and re-referred to the Committee on Ways and Means.

On motion of Mr. Campbell, Assembly Bill No. 553—An Act to amend Section 2979 of the Political Code, relating to duties of the State Board of Health—was re-referred to Committee on Public Health and Quarantine.

On motion of Mr. Sackett, Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school—was withdrawn from Committee on Education and re-referred to Committee on Ways and Means.

On motion of Mr. Sackett, Senate Bill No. 149—An Act to amend an Act entitled "An Act to authorize any city, or city and county, of this State to take its census"—was withdrawn from the Committee on Education and re-referred to the Committee on Municipal Corporations.

On motion of Mr. Campbell, Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same—was withdrawn from the Committee on Public Health and Quarantine and re-referred to Committee on Judiciary.

On motion of Mr. Johnson of Sacramento, Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction,

and provide for officers of said court, and to fix compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment—was withdrawn from the Committee on Municipal Corporations and re-referred to the Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was granted leave of absence to visit the State prisons and reformatory institutions of California, to inquire into their needs and the condition of their inmates, have visited the State Reform School at Whittier, and the following members are entitled to mileage, to wit, 980 miles for traveling to Whittier and return, as follows: P. J. Boyle, John A. Cullen, Edw. I. Butler, Geo. F. Snyder, D. W. Barry, Fred E. Pierce, H W. McMullin, E. S. Birdsall, E. J. Lynch, and your committee ask that the following resolution be adopted:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of E. J. Lynch, chairman of the committee, for the sum of $882, as per above statement, said warrant to be drawn on the Contingent Fund of the Assembly, and the Treasurer be and he is hereby directed to pay the same.

LYNCH, Chairman.

Report and resolution read, and referred to Committee on Mileage.

RESOLUTION.

The following resolution was offered:

By Mr. Johnson of Sacramento:

Resolved, That the Chief Clerk be and he hereby is authorized and directed to purchase, for the use of the Committee on Judiciary, one copy of the Bender-Chaquette edition of the Penal Code, and the Civil Code, and the Political Code, and the General Laws of California, and that the Controller be, and he is hereby authorized and directed to draw his warrant in payment of the same, and the State Treasurer is hereby authorized and directed to pay for the same out of the Contingent Fund for the expenses of the Assembly.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Bishop, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Finney, Fisher, Forbes, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

MOTION TO RECONSIDER.

Mr. Transue moved a reconsideration of the vote whereby Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889—was on yesterday refused passage.

The motion was seconded.

SPECIAL ORDER SET.

On motion of Mr. Transue, the further consideration of Assembly Bill No. 422 was made a special order for two o'clock P. M. of Tuesday, February 12, 1907.

THIRD READING OF BILLS.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Bill read third time on a previous day.

Mr. Thompson of Los Angeles moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by adding after the word "same," in line 28, Section 3 of the printed bill, the following:

"The superintendent of streets shall also deposit in the postoffice in said municipality, postage prepaid, a copy of said resolution addressed to each person whose name appears on the last assessment roll of said city as an owner of property fronting on the street or streets named in such resolution, to his address as shown by said city assessment roll, or if such address is not so shown, then to the last known address; and if his address be not known, then to him at the municipality in which such work is proposed to be done. An affidavit showing such mailing shall accompany the statement or account filed with the legislative body of such municipality, as provided in Section 4 of this Act."

Motion carried.

Mr. Thompson of Los Angeles was appointed as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 371, with instructions, do now report that the instructions of the Assembly have been carried out.

THOMPSON of Los Angeles, Select Committee.

Report of select committee and amendment adopted.

Mr. Ludington moved that the Speaker appoint a select committee of one to amend the bill as follows:

Before the word "street," in third line of Section 1 of the printed bill, insert the word "graded"; also: before the word "street," in second line of Section 2 of the printed bill, insert the word "graded."

The roll call was demanded.

The roll was called, and the motion to appoint was lost by the following vote:

AYES—Messrs. Beban, Berry, Cornish, Cutten, Johnson of San Diego, Kelly, Lemon, Ludington, McClellan, McKeon, O'Brien, Otis, Stanton, Strohl, Toomey, Vogel, and Wilson—17.

NOES—Messrs. Bell, Birdsall, Bishop, Campbell, Case, Chandler, Cogswell, Collister, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Held, John, Johnson of Sacramento, Leeds, Lucas, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wyatt, and Mr. Speaker—34.

Bill ordered to reprint and reëngrossment.

Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 400 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Hammon, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington,

McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—Messrs. Bishop, Chandler, Forbes, and Higgins—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 401—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 401 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Campbell, Case, Chandler, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McGuire, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 402 passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Bishop, Campbell, Chandler, Cogswell, Collister, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McGuire, O'Brien, Otis, Percival, Pyle, Sackett, Spaulding, Stanton, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 505 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Campbell, Chandler, Cogswell, Coghlan, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICES OF MOTIONS TO RECONSIDER.

Mr. Drew gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 400 was this day passed.

Also: Mr. Drew gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 401 was this day passed.

Also: Mr. Drew gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 402 was this day passed.

Also: Mr. Drew gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 505 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 96—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 737 thereof, relating to the salaries of judges of the Superior Court.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 96 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Campbell, Case, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Johnson of Sacramento, Jury, Kelly, Leeds, Lucas, Ludington, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

During the third reading of the bill, Mr. Berry moved that the Speaker appoint a select committee of one to amend the bill as follows:

In printed bill, amend Section 1 by inserting the words "or corporation," in line 4, after the word "person," strike out the words "thirty days after death," in line 6, and strike out all of line 7, and insert in lieu thereof the following words after the word "within," in line 6: "forty-eight hours after death, or within thirty days after death on notice from the district attorney, or coroner, of any county, city and county, or city forbidding the cremation thereof, unless sooner permitted so to do by the district attorney, or coroner, shall be guilty of a misdemeanor."

Motion carried.

The Speaker appointed Mr. Berry as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 507, with instructions, do now report that the instructions of the Assembly have been carried out.

BERRY, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 48 passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Boyle, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Lemon, Lucas, Ludington,

McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections, and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other States, and to pay the necessary expenses thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 258 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Bill read third time.

SPECIAL ORDER SET.

Mr. Stetson moved that further consideration of bill be made a special order for two o'clock P. M. of Tuesday, February 12, 1907.

Motion carried.

SECOND READING OF BILLS.

Assembly Bill No. 519—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 246—An Act to prevent a minor child misrepresenting his age to procure intoxicating liquors.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 354—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337*a*, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running race between horses, mares or geldings, and providing the punishment for the violation thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 415—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 455—An Act providing that in any city, or city and county, in this State where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out the word "of" on line 34, third page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 389—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

During the second reading of the bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

Amend by inserting at the beginning of line 1, of Section 1, of the printed bill, the word and figure "Section 1."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting Section 2, as follows: "Section 2. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "to," where it first occurs in line 4, of Section 1, of the printed bill, the word "the"; and then after the word "the," in line 4, of Section 1, of the printed bill, where it occurs the second time, the words, "Supreme Court, or the presiding Justice of any District Court of Appeal"

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "as in ordinary cases of applicants to whom such diploma has not been issued" in lines 5 and 6 of Section 1 of printed bill, and insert in lieu thereof the following: "of such students as make application for said license."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 547—An Act for the protection of the men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Bill read second time, and passed on file for further consideration.

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Bill read second time, and ordered to engrossment.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M. the Speaker, pursuant to motion of Mr. Johnson of Sacramento previously made, declared the Assembly adjourned until ten o'clock A. M., Monday, February 11, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 11, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell Collister, Cornish, Costar, Cutten, Davis, Drew, Eshleman, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—71.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cutten, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, Mr. Devlin was granted leave of absence for this day.

PAPERS FOR CONTEST FILED.

The Speaker announced that he had received papers in a sealed packet in the matter of the right of John Wessling to a seat in the Assembly of the State of California from the Thirty-sixth Assembly District, Eugene E. Pfaeffle being the contestant, and John Wessling the contestee.

The Speaker referred the matter to the Committee on Contested Elections, and delivered the sealed packet to Mr. Snyder, the chairman of said committee.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 315—An Act amending Section 1503 of the Political Code of the State of California, relating to normal school diplomas.

Assembly Bill No. 317—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1829, relating to district school taxes.

Also: Have examined and found the following bills correctly engrossed:

Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley, of Tulare Lake, and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.

Assembly Bill No. 573—An Act to amend Section 1181 of the Penal Code of the State of California by adding a new subdivision thereto, to be numbered 8, relating to granting of new trials.

Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

Assembly Bill No. 129—An Act for the perservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Assemby Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5 and 12 thereof, and by adding thereto a new section to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Assembly Bill No. 531—An Act to regulate traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.

Assemby Bill No 98—An Act to amend the Code of Civil Procedure, by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, 11, and 12 thereof.

Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Assembly Bill No. 241—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval March 9, 1901, by amending Sections 2, 3, 4 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9.

Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Assembly Bill No 358—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895, and an Act amendatory thereof, approved March 20, 1905.

Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

HANS, Chairman.

The above reported reëngrossed bills ordered on file for passage.

The above reported engrossed bills ordered on file for third reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions—have had the same under consideration, and respectfully report the same back, with the recommendation that the author be permitted to withdraw the same, it being identical with Assembly Bill No. 220, passed by this house on January 28, 1907.

Also: Assembly Bill No. 219—An Act to amend Sections 2153*a* and 2154 of the Political Code of the State of California, relating to the appointment of a dentist in State hospitals for the care and treatment of the insane—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Also: Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Also: Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State hospitals.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HELD, Chairman.

The above reported bills, with the exception of Senate Bill No. 236, ordered on file for second reading.

Senate Bill No. 236 being identical with Assembly Bill No. 220, passed by this House on January 28, 1907, was re-referred to the committee.

Senate Bill No. 236 withdrawn and ordered transmitted to the Senate.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 121—An Act to amend Section 25 of "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the powers of boards of supervisors and the duties and compensation of health officers appointed by such boards—have had the same under consideration, and report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 557—An Act to amend Section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class—with three amendments.

Also: Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts—with two amendments.

Respectfully report the same back, and recommend that the same do pass as amended.

THOMPSON of Los Angeles, Chairman.

The above reported bills ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 16—Proposing an amendment to Article VI of the Constitution, relative to Clerk of the Supreme Court.

Also: Assembly Constitutional Amendment No. 18—Proposing to the people of the

State of California an amendment to the Constitution of the State, relative to the extension of the terms of existence of corporations.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof, by striking therefrom and repealing Section 4 of said article, relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured, and to taxes due upon such assessment.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WESKE, Chairman.

The above reported constitutional amendments ordered on file for adoption.

Mr. Weske moved that the consideration of Senate Constitutional Amendment No. 26 be now proceeded with.

Motion carried.

SENATE CONSTITUTIONAL AMENDMENT No. 26.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Article XIII thereof, by striking therefrom and repealing Section 4 of said article, relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured, and to taxes due upon such assessment.

The Legislature of the State of California, at its regular session, commencing on the 7th day of January, A. D. 1907, two thirds of all the members voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by repealing Section 4 thereof.

Article XIII of the Constitution of the State of California is hereby amended by striking therefrom and repealing Section 4 thereof, which section reads as follows:

Section 4. A mortgage, deed of trust, contract, or other obligation, by which a debt is secured, shall for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporation, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of such security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and, to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

Senate Constitutional Amendment No. 26 read.

The roll was called, and Senate Constitutional Amendment No. 26 adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Drew, Eshleman, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Higgins, John, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, and Mr. Speaker—55.

NOES—Messrs. Bush, Butler, Davis, Held, Johnson of Sacramento, Ludington, McConnell, Spaulding, Whitmore, and Wyatt—10.

Constitutional Amendment ordered transmitted to the Senate.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same—have had the same under consideration, and respectfully report the same back, without recommendation.

SPAULDING, Chairman.

Assembly Bill No. 249 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Jury: Assembly Bill No. 786—An Act to amend the Political Code, by adding thereto a new section to be numbered 419*a*.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Sackett: Assembly Bill No. 787—An Act to amend Section 1775 of the Political Code, relating to the issuance of teachers' certificates.

Bill read first time, and referred to Committee on Education.

By Mr. Thompson of San Francisco: Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114*a*, 114*b*, and 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Weske: Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Leeds: Assembly Bill No. 790—An Act to prevent catching of surf fish, except with hook and line.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Johnson of Sacramento: Assembly Bill No. 791—An Act to add a new section to the Political Code, to be numbered 1617*a*, requiring that the United States flag shall be hoisted on all public school houses and displayed in each school room.

Bill read first time, and referred to Committee on Education.

By Mr. Butler: Assembly Bill No. 792—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 793—An Act creating a contingent fund for the use of the State prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified; for the purchase of machinery and equipment to replace machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

THIRD READING OF BILLS.

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

Bill read third time.

Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Amend by striking out the title of printed bill and inserting in lieu thereof the following: "An Act entitled an Act to establish the boundary line between Fresno County and Kings County.

AMENDMENT No. 2.

Amend by striking out all after the title of printed bill, and inserting in lieu thereof the following:

"SECTION 1. The boundary line between Fresno County and Kings County is hereby established as follows, to wit:

Commencing at the corner common to the counties of Kings, Monterey, and Fresno; thence in a northeasterly direction along the present boundary line between Fresno County and Kings County to a point where said line intersects the center of the main channel of Kings River; thence in a northeasterly direction following the center line of said main channel of Kings River to a point where said center line intersects the fourth standard parallel line; thence easterly along said fourth standard parallel line to the northeast corner of Kings County.

SECTION 2 This Act shall take effect immediately from and after its passage.

AMENDMENT No. 3.

Amend by striking out of Section 2, line 2, of printed bill, the words "its passage" and inserting in lieu thereof the following: "The question of annexation has been submitted to a vote of the qualified electors of the territory sought to be annexed to Kings County, at an election called therefor by the Board of Supervisors of Fresno County, and the said Board of Supervisors of Fresno County are authorized, directed, and empowered to call said election within thirty days from and after this Act becomes a law, under the general laws of this State, and if three fourths of the people of said territory shall vote in favor of said annexation, this Act shall then take effect."

Motion seconded.

SPECIAL ORDER SET.

On motion of Mr. Drew, further consideration of the motion to appoint the select committee was made a special order for two o'clock P. M. of Thursday, February 14, 1907.

Assembly Bill No. 441—An Act to amend the title and Section 2 of an Act entitled an Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities, approved March 20, 1903.

During the third reading of the bill, Mr. Coghlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Amend by striking out of the title thereof the words "the title and," in line 2 of the title of said bill.

AMENDMENT No. 2.

Amend by adding to the title of said Act, in the printed bill, the words "by providing a penalty for the violation thereof," on line 6 of the said title, after the figures 1903.

AMENDMENT No. 3.

By striking out all of the words contained in lines numbered 1, 2, 3, 4, 5, of the printed bill.

AMENDMENT No. 4.

Amend by inserting, after the title of said bill, the following words: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Motion carried.

The Speaker appointed Mr. Coghlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 441, with instructions, do now report that the instructions of the Assembly have been carried out.

COGHLAN, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains.

Bill read third time.

The question being on the passage of the bill.

Speaker pro tem., the Hon. J. P. Transue of Los Angeles, in the chair.

Speaker Beardslee in the chair.

The roll was called, and Assembly Bill No. 447 refused passage by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Campbell, Cogswell, Collister, Costar, Cutten, Davis, Drew, Eshleman, Forbes, Hammon, Held, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Snyder, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Weske, Whitmore, Wyatt, and Mr. Speaker—32.

NOES—Messrs. Barry, Baxter, Beckett, Bell, Boyle, Bush, Butler, Case, Coghlan, Cornish, Cullen, Fratessa, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, Ludington, McGuire, O'Brien, Pyle, Root, Sackett, Spaulding, Stanton, Strobridge, Toomey, Transue, Vogel, and Wilson—30.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 447 was this day refused passage.

Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 98 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Eshleman, Fisher, Forbes, Fratessa, Hammon, Held, Higgins, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Strohl, Thompson of San Francisco, Toomey, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Messrs. Bell and Thompson of Los Angeles—2.

Title read and approved.

Bill ordered transmitted to the Senate.

LEAVE OF ABSENCE.

On request, Mr. Wessling was granted a leave of absence for the day.

SPECIAL ORDER.

The hour of eleven o'clock and thirty minutes A. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Wyatt moved that the vote whereby Assembly Bill No. 501—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays—was refused passage, be reconsidered.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Wyatt moved a call of the House.

Motion carried.

Time, eleven o'clock and forty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—61.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Hans, Strobridge, Bush, Estudillo, and Johnson of San Diego were brought before the bar of the House, and, on motion of Mr. Transue, excused for their absence.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The names of the absentees were called.

Whereupon the Speaker announced that the motion to reconsider was lost by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Drew, Eshleman, Forbes, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pyle, Snyder, Spaulding, Thompson of San Francisco, Weske, Whitmore, Wyatt, and Mr. Speaker—35.

NOES—Messrs. Barry, Baxter, Beckett, Bell, Boyle, Bush, Coghlan, Cullen, Estudillo, Fisher, Fratessa, Hammon, Hans, Held, Jury, Kelly, Kohlman, Leeds, Lemon, McGuire, McMullin, O'Brien, Pierce, Sackett, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, and Wilson—32.

LEAVE OF ABSENCE.

On request, Mr. Finney was granted a leave of absence for the balance of the day on account of sickness.

BILL RECALLED FOR CORRECTION.

On motion of Mr. Transue, Assembly Bill No. 84—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation—was recalled from the Committee on Engrossment and Enrollment for correction of typographical errors, and ordered to reprint.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

During the third reading of the bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out of line 1, Section 5, page 4 of printed bill, the figure "5," and insert in lieu thereof the following figure: "2."

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 545, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 544 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 129—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 129 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cutten, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 223 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Drew, Eshleman, Estudillo, Hammon, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 564 passed by the following vote:

AYES—Messrs. Barry, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Eshleman, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—Mr. Kohlman—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate contracts on behalf of the State, in relation to erections and buildings,' approved March 23, 1876, by amending Section 3 of said Act and an Act amendatory thereof," approved March 27, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 358 passed by the following vote:

AYES—Messrs. Barry, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

On motion of Mr. Transue, unanimous consent was granted to the chairman of the Committee on Contingent Expenses and Accounts to report out of order.

The following report was thereupon submitted:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred Assembly Concurrent Resolution No. 16—Relative to Lincoln's birthday observance:

Resolved by the Assembly, the Senate concurring, That the President of the Senate and the Speaker of the Assembly be and are hereby directed to each appoint a committee of three members of their respective houses to serve as a joint committee on "Lincoln Exercises," to be holden in the Assembly Chamber on Tuesday evening, February 12, the birthday of the martyred President of the United States, Abraham Lincoln; and be it furthermore

Resolved, That the use of the Assembly Chamber be granted to the committees above mentioned on Tuesday evening, February 12, 1907, for said purpose.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

Mr. Transue moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—63.

NOES—None.

On motion of Mr. Transue, Assembly Concurrent Resolution No. 16 was ordered transmitted to the Senate forthwith.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of the following committee: Joint Committee of "Lincoln Exercises": Messrs. Transue, O'Brien, and John.

INTRODUCTION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Mr. Drew asked for and was granted unanimous consent to introduce a resolution out of order.

By Mr. Drew:

ASSEMBLY CONCURRENT RESOLUTION No. 17.

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committees to be appointed by the Speaker of the Assembly and President of the Senate respectively, and any expenses incurred to be paid equally by the Assembly and Senate out of their contingent funds.

Resolution read, ordered printed in the Journal, and referred to the

Committee on Contingent Expenses and Accounts, to report on Tuesday, February 12, 1907.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the proisvions of law).

Bill read third time on a previous day.

Mr. Davis offered the following resolution:

Resolved, That a committee, consisting of Mr. Johnson of Sacramento, Mr. Devlin, Mr. Wyatt, Mr. Lucas, and Mr. Speaker, be and they hereby are appointed to investigate the matter of the claim of Frank Higgins against the State of California, with instructions to report back to the Assembly as soon as possible what would, in the opinion of said committee, be reasonable compensation for the legal services rendered the State of California by the said Frank Higgins in the matter of the extradition of George D. Collins from British Columbia, and further action on said claim be postponed until said committee shall report.

Resolution read, and refused adoption.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 478 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Drew, Eshleman, Estudillo, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, Otis, Percival, Sackett, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wilson, and Mr. Speaker—49.

NOES—Messrs. Baxter, Berry, Bush, Butler, Campbell, Case, Cornish, Davis, Fisher, Fratessa, Hans, Johnson of Sacramento, Kohlman, Leeds, McKeon, McMullin, Pierce, Pyle, Stanton, Transue, Whitmore, and Wyatt—22.

Title read and approved.

Bill ordered transmitted to the Senate.

AMENDMENTS WITHDRAWN.

Mr. Drew asked for and was granted unanimous consent to withdraw the proposed amendments to Assembly Bill No. 159, this day submitted by him.

Amendment to Assembly Bill No. 159 withdrawn and ordered stricken from the record, and vote making consideration of amendments to Assembly Bill No. 159 a special order for February 14 rescinded.

SPECIAL ORDER SET.

Mr. Johnson moved that the further consideration of Assembly Bill No. 159 be made a special order for two o'clock P. M. of Thursday, February 14, 1907.

Mr. Kelly moved to amend by making Tuesday, at two o'clock P. M. February 12, 1907, the time for consideration of Assembly Bill No. 159.

Amendment lost.

The previous question being called for, a vote was taken and the motion carried.

Consideration of Assembly Bill No. 159 was made a special order for two o'clock P. M. of Thursday, February 14, 1907, on motion of Mr. Drew.

MOTION—(OUT OF ORDER).

Mr. Hewitt moved that the Committee on Public Health and Quaran-

tine be forthwith granted a leave of absence for the purpose of holding a committee meeting.

Motion carried, and leave granted.

Assembly Constitutional Amendment No. 3, amending Constitution relative to primary elections, read.

Mr. Held moved that the Assembly concur in the Senate amendment to Assembly Constitutional Amendment No. 3:

Provided, however, that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect.

The question being, "Shall the Assembly concur in the following Senate amendment to Assembly Constitutional Amendment No. 3?"

The roll was called, and the Assembly refused to concur in Senate amendment to Assembly Constitutional Amendment No. 3, by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Butler, Chandler, Coghlan, Cullen, Estudillo, Finney, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Ludington, McClellan, McMullin, Percival, Root, Snyder, Spaulding, Strohl, Thompson of San Francisco, Vogel, Walsh, Wilson, and Mr. Speaker—33.

NOES—Messrs. Berry, Bush, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Eshleman Fisher, Forbes, Fratessa, Hewitt, John, Kohlman, Leeds, Lemon, McConnell, McGuire, McKeon, Otis, Pyle, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, and Wyatt—30.

Mr. Johnson of Sacramento moved that the Senate be informed that the Assembly refuses to concur in Senate amendment to Assembly Constitutional Amendment No. 3, and asks the Senate to recede.

Motion carried, and the Clerk directed to so inform the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 13—Approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22nd day of January, 1907.

Assembly Bill No. 483—An Act making an appropriation for postage and contingent expenses of the Clerk of the Supreme Court, for the fifty-seventh and fifty-eighth fiscal years.

Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.

Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion, by means of jetty work along the banks thereof," approved March 22, 1905.

Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

And were presented to the Governor, February 11, 1907, at three o'clock P. M.

HANS, Chairman.

ADJOURNMENT.

At four o'clock and thirty-six minutes P. M., on motion of Mr. Stanton, the Assembly was declared adjourned until nine o'clock and thirty minutes A. M. of Tuesday, February 12, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 12, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—71.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Thompson of San Francisco, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks and employés.

Also: Assembly Bill No. 166—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Also: Assembly Bill No. 168—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Also: Assembly Bill No. 171—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 170—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Also: Assembly Bill No. 172—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Assembly Bill No. 353—A Bill for an Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Also: Assembly Bill No. 642—An Act to provide for the government and management of schools for the discipline, education, reformation and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 169 - An Act appropriating money for the purchase of books for the library of the Preston School of Industry—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

LYNCH, Chairman.

Assembly Bills Nos. 1, 166, 168, 171, 170, 172, 642, and 169 referred to Committee on Ways and Means.

Assembly Bill No. 353 ordered on file for second reading.

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No 632—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Also: Assembly Bill No. 634—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Also: Assembly Bill No. 633—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing

an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

VOGEL, Chairman.

The above reported bills, with the exception of Assembly Bill No. 633, ordered on file for second reading.

Assembly Bill No. 633 referred to Committee on Ways and Means.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 222—An Act to Amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State"—report the same back, with four amendments, and recommend its passage as amended.

Also: Assembly Bill No. 662—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole—and recommend its passage.

Also: Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for recording of mortgages of personal property by persons who do not reside in this State—and recommend its passage.

Also: Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property—and recommend its passage.

Also: Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose—and recommend its passage.

Also: Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had—with eight amendments, and recommend its passage as amended.

Also: Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code and to add two new sections thereto, to be numbered 608*a*, and 608*b*, all relating to the burning, injuring or setting adrift of rafts or vessels—with three amendments, and recommend its passage as amended.

Also: Assembly Bill No. 379—An Act to add a new section to the Penal Code, to be numbered Section 928*a*, and relating to the powers of grand juries—with six amendments, and recommend its passage as amended.

Also: Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality—and recommend its passage.

Also: Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of "Law Library Fund"—and recommend its passage.

Also: Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny—with two amendments, and recommend its passage as amended.

Also: Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California—and recommend its passage.

Also: Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490*a*, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs—and recommend its passage.

Also: Assembly Bill No. 90—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof—and recommend that it do not pass.

Also: Assembly Bill No. 556—An Act to amend the Civil Code by adding thereto a new section, to be numbered 1742, relating to contracts of conditional sale—and recommend that it do not pass.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on their respective files for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law February 25, 1901, by amending Section 2 thereof, and by adding a new section thereto, validating bonds heretofore issued for wharf purposes.

Also: Assembly Bill No. 643—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Also: Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one half class.

Also: Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Also: Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Also: Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the town of Yuba City," approved March 30, 1878.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 206—An Act compelling railroads doing business in this State as common carriers of passengers and freight to keep, operate, and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to keep, operate, and maintain freight warehouses for the purpose of receiving and discharging freight, in any municipal corporation, incorporated city, or city and county, or incorporated town traversed by the tracks or road of any railroad; also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

JURY, Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 440—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Assembly Bill No. 437—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced.

Assembly Bill No. 84—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Assembly Bill No. 547—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions and providing a penalty for the violation thereof."

Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Assembly Bill No. 389—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of, and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Assembly Bill No 455—An Act providing that, in any city or city and county in this State, where by general law or by charter the Board of Police Commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Assembly Bill No. 415—An Act providing that, in any city, or city and county in this State, where by general law or by charter the Board of Police Commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly and improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Assembly Bill No. 354—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.

Assembly Bill No. 246—An Act to prevent a minor child misrepresenting his age to procure intoxicating liquors.

Assembly Bill No. 519—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337*a*, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running race between horses, mares, or geldings, and providing the punishment for the violation thereof.

HANS, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 60—An Act creating and defining the liability of railroad corporations for injuries to employés, and providing for the recovery of damages therefor, and

relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.

Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Assembly Bill No. 184—An Act to repeal Title VIII of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said code, relating to escheated estates.

HANS, Chairman.

The above reported reëngrossed bills were ordered on file for passage.

The above reported engrossed bills were ordered on file for third reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 10—An Act appropriating a sum of eight thousand dollars for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Also: Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm-channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Also: Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Also: Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Also: Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of Justices of the Supreme Court for the current fiscal year.

Also: Assembly Bill No. 614—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Also: Assembly Bill No. 644—An Act making an appropriation of $4,000, to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 63—An Act to provide for the erection of horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 65—An Act to provide for the erection of an aseptic and sanitary dairy barn, and to purchase and install necessary furnishings and machinery therein, at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 66—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipments and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 27—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Also: Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

Also: Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School, injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

The following supplementary report of Committee on Ways and Means was received, and ordered published in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit its report for the two weeks ending February 11, 1907, as follows:

Bills have been referred to this committee as follows:

Jan. 28,	Assembly Bill No. 145—An Act making an appropriation for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the bay of San Diego	$20,000 00
28,	Assembly Bill No. 467—An Act providing for the appropriation of $1,000 for the purpose of constructing cement curbing and gutters around the grounds of Sutter's Fort	1,000 00
28,	Assembly Bill No. 468—An Act providing for the appropriation of $3,000 for the purpose of improving the grounds around Sutter's Fort	3,000 00
28,	Assembly Bill No. 469—An Act to authorize the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort	1,080 00
28,	Assembly Bill No. 470—An Act providing for an appropriation of $600 for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort	600 00
28,	Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891	
28,	Assembly Bill No. 486—An Act to appropriate for the general improvement and completion of survey of the Lake Tahoe Wagon Road and for the construction of restraining walls, culverts, bridges, and milestones thereon	20,000 00
29,	Assembly Bill No. 17—An Act providing for the purchase of a site for an armory and State Arsenal for the National Guard at the City of Sacramento, California	100,000 00
29,	Assembly Bill No. 86—An Act to provide for the purchasing of a site and building, equipping and furnishing of an armory to be used for the National Guard in the City of Los Angeles	100,000 00
29,	Assembly Bill No. 128—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation	10,400 00
29,	Assembly Bill No. 130—An Act to appropriate the sum of $8,000 for the purchase of furniture and equipment for the State Normal School at Chico and for the construction of cement floors and sidewalks of said school	8,000 00
29,	Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California	1,000 00
29,	Assembly Bill No. 411—An Act to amend an Act entitled an Act to protect domestic live stock from contagious and infectious diseases.	2,000 00
29,	Assembly Bill No. 517—An Act to appropriate $20,000 out of any money in the State Treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County	20,000 00
29,	Assembly Bill No. 529—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State	
30,	Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold farmers' institutes	12,000 00
30,	Assembly Bill No. 254—An Act to appropriate the sum of $101,314 for the use and benefit of the University of California	101,314 00
30,	Assembly Bill No. 267—An Act making an appropriation of $250,000 to aid in the construction of a library building to be erected by the regents of the University of California	250,000 00
30,	Assembly Bill No. 268—An Act appropriating $6,000 for the support of the department of music in the University of California for two years	6,000 00
30,	Assembly Bill No. 297—An Act authorizing the Regents of the University of California to hold farmers' institutes	20,000 00
30,	Assembly Bill No. 458—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California	10,000 00
31,	Assembly Bill No. 82—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code, to amend Subdivision 13 of Section 3692 of the Poltical Code, and to repeal Section 3701 of the Political Code	
31,	Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund	
31,	Assembly Bill No. 539—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co.	9,115 00

Feb. 2, Assembly Bill No. 560—An Act to provide for the joint investigation with the Federal Government of the water resources of the State	$89,000 00
4, Assembly Bill No. 228—An Act making an appropriation of $32,000 to be used by the Board of Trustees of the Whittier State School for the purpose of purchasing additional land for the use of said school	32,000 00
4, Assembly Bill No. 302—An Act appropriating money to the Auditing Board of the Commissioner of Public Works for the purpose of purchasing and operating necessary dredgers and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers	300,000 00
4, Assembly Bill No. 320—An Act making an appropriation of $7,500 to be used by the Board of Trustees of the Whittier State School for the purpose of erecting a hospital building and furnishing and equipping the same	7,500 00
4, Assembly Bill No. 321—An Act making an appropriation of $3,500 to be used by the Board of Trustees of the Whittier State School for the purpose of erecting a building for manual training	3,500 00
4, Assembly Bill No. 322—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School for the purpose of purchasing fire hose and reel and appliances for fire protection	1,000 00
4, Assembly Bill No. 391—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants and those portions of the State not benefited by the Southern California Pathological Laboratory	15,000 00
4, Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California	1,500 00
5, Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof	16,000 00
5, Assembly Bill No. 235—An Act to provide for installing of a heating plant in the Stockton State Hospital	6,000 00
5, Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital	2,500 00
5, Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital	15,000 00
6, Senate Bill No. 35—Identical with Assembly Bill No. 52.	
6, Senate Bill No. 50—Identical with Assembly Bill No. 78.	
6, Senate Bill No. 95—An Act to appropriate the sum of $50,000 for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California	50,000 00
6, Senate Bill No. 229—An Act to provide for the location, survey, and construction of a State highway in Trinity County connecting the present county road systems of Trinity and Humbolt counties	50,000 00
6, Senate Bill No. 261—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California	1,500 00
6, Senate Bill No. 281—An Act making an appropriation of $3,500 to be used by the Board of Trustees of the Whittier State School for the purpose of erecting at said school a building for manual training	3,500 00
6, Senate Bill No. 282—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier School for the purpose of purchasing fire hose and reels and appliances for fire protection	1,000 00
6, Senate Bill No. 364—An Act appropriating the sum of $13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco	13,500 00
6, Senate Bill No. 378—Identical with Assembly Bill No. 433.	
6, Senate Bill No. 379—Identical with Assembly Bill No. 479.	
6, Assembly Bill No. 78—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings	350,000 00
6, Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries	----------
6, Assembly Bill No. 330—An Act to provide for the investigation of the nature of diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture	20,000 00

Feb. 6, Assembly Bill No. 360—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road at or near Meyer's Station $25,000 00
7, Assembly Bill No. 63—An Act to provide for the erection of a horse barn, carriage house, and implement shed at the Southern California State Hospital 5,000 00
7, Assembly Bill No. 331—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883 ..... 27,600 00
7, Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street along the property of the Stockton State Hospital 5,000 00
7, Assembly Bill No. 376—An Act providing for the building of cottages for the guards at the State Prison at San Quentin 25,000 00
7, Assembly Bill No. 140—An Act to provide for the improvement of the campus of the State Normal School at San Diego 10,000 00
7, Assembly Bill No. 143—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, and to equip the same 70,000 00
7, Assembly Bill No. 144—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego 5,000 00
7, Assembly Bill No. 525—An Act to appropriate money for the purpose of constructing object oil roads in different sections of the State 8,000 00
7, Senate Bill No. 372—Identical with Assembly Bill No. 477.
7, Senate Bill No. 374—Identical with Assembly Bill No. 480.
7, Senate Bill No. 375—Identical with Assembly Bill No. 430.
8, Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm-channels and ditches on the lands of the Southern California State Hospital and along highways adjacent thereto 15,000 00
8, Assembly Bill No. 65—An Act to provide for the erection of an aseptic and sanitary dairy barn and to purchase and install necessary furnishings and machinery therein at the Southern California State Hospital 12,000 00
8, Assembly Bill No. 66—An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith with all necessary equipments and furnishings at the Southern California State Hospital 43,000 00
8, Senate Bill No. 10—An Act appropriating the sum of $7,000 for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school 7,000 00
8, Senate Bill No. 66—Identical with Assembly Bill No. 163.
8, Senate Bill No. 67—Identical with Assembly Bill No. 162.
8, Senate Bill No. 92—Identical with Assembly Bill No. 161.
8, Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego 5,000 00
9, Assembly Bill No. 359—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions" 10,000 00
9, Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the John Marshall monument at Coloma, and for piping the water to the grounds surrounding said monument 250 00
9, Assembly Bill No. 624—An Act making an appropriation of $500 for the purpose of repairing and preserving the John Marshall monument at Coloma 500 00
9, Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School 500 00
9, Assembly Bill No. 627—An Act instructing the Commissioner of Public Works to purchase the north fifty-eight acres of Wood Island situated in the County of Sacramento 22,000 00
9, Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit: Twenty-sixth Street, from the south line of K Street to the north line of L Street 1,200 00
9, Assembly Bill No. 639—An Act making an appropriation to provide for shelving and floor covering for the State Library in the Capitol building 19,500 00
9, Assembly Bill No. 644—An Act making an appropriation of $4,000 to be used by the Board of Sutter's Fort Trustees, for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old Mission at Sonoma, of Fort Ross property, of landing place at Monterey of Junipero Serra, and old theater property at Monterey 4,000 00

Feb. 11, Assembly Bill No. 614—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County	$12,000 00
11, Assembly Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school	
Total	$2,006,559 00

Bills reported favorably.

Feb. 6, Assembly Bill No. 97	$132,000 00
6, Senate Bill No. 37	1,500 00
7, Assembly Bill No. 12	5,000 00
7, Assembly Bill No. 43	18,000 00
7, Assembly Bill No. 67	12,000 00
7, Assembly Bill No. 62	16,000 00
9, Assembly Bill No. 235	6,000 00
9, Assembly Bill No. 294	2,500 00
9, Assembly Bill No. 295	15,000 00
9, Assembly Bill No. 78	250,000 00
9, Assembly Bill No. 296	5,000 00
Total	$463,000 00

Bills reported unfavorably.

Feb. 9, Assembly Bill No. 86	$100,000 00
9, Assembly Bill No. 128	10,400 00
Total	$110,400 00

Bills recalled.

Jan. 29, Assembly Bill No. 51	$ 15,000 00
29, Assembly Bill No. 58	13,125 00
29, Assembly Bill No. 137	12,000 00
29, Assembly Bill No. 53	5,150 00
29, Assembly Bill No. 54	24,000 00
29, Assembly Bill No. 55	6,500 00
29, Assembly Bill No. 56	12,000 00
Total	$87,775 00

Bills returned to Assembly.

Feb. 6, Assembly Bill No. 222.
7, Senate Bill No. 81.
7, Assembly Bill No. 106.

Total amount of appropriations referred to this committee to date	$3,173,155 40
Total appropriation reported favorably	509,880 40
Total amount of bills reported unfavorably	110,400 00
Total amount of bills withdrawn	87,775 00
Reduction in appropriation	100,000 00
Total amount of appropriation remaining in hands of committee	2,365,100 00

Respectfully submitted.

ESTUDILLO, Chairman.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following concurrent resolution by Mr. Drew:

ASSEMBLY CONCURRENT RESOLUTION No. 17.

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committees to be appointed by the Speaker of the Assembly and President of the Senate, respectively, and any expenses incurred to be paid equally by the Assembly and Senate out of their contingent funds.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

Mr. Sackett moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Concurrent resolution transmitted to the Senate.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Bill No. 37—An Act recommending to the electors of the State to vote for or against a convention to revise the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WESKE, Chairman.

Assembly Bill No. 37 ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 147—An Act providing for holding primary nominating elections preceding any election in this State, for the purpose of nominating candidates of a political party for State, county, city and county, city, and local offices.

Also: Assembly Bill No. 465—An Act to provide for a ballot, to be denominated "Candidates' Ballot," to be used at primary elections in this State; to provide for the form, constitution, and voting thereof; the counting and canvass of such votes, and certifying of returns thereof to political conventions and officers of political parties; limiting and prescribing the acts of political conventions with reference to nominations for public office; defining certain terms used in this Act; determining the manner of ascertaining the number of qualified electors for the purpose of this Act; providing for the payment of expenses incurred hereunder; making the subject matter of this Act a part of the primary election system of this State; providing penalties for violation of this Act, and repealing all Acts and parts of Acts in conflict herewith.

Have had the same under consideration, and respectfully report the same back, together with a committee substitute, and recommend that the substitute do pass.

STETSON, Chairman.

The above reported bills ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

The following supplemental report of Committee on Revision and Reform of Laws was submitted and ordered printed in the Journal:

Supplemental Report on Code Revision Bills.

SACRAMENTO, February 12, 1907.

To the Assembly.

GENTLEMEN: Your Committee on Revision and Reform of Laws, to which was referred for consideration the code revision bills, begs leave to file a supplemental report with reference to those already reported, and states the changes and reasons for the changes of the respective bills, as follows:

Assembly Bill No. 291. Section 2104, C. C. P.

This section is repealed because there have heretofore been two sections covering the same subject which were somewhat conflicting, and the two sections have been amalgamated into Section 573, which is the subject of Senate Bill No. 321.

Assembly Bill No. 178. Section 1349, C. C. P.

The words "who must appear and qualify" toward the end of the section, are omitted, and in their place are inserted "unless they or either of them have renounced their rights to letters, and if no." At the end of the section has been added the following: "In the order, the court must ascertain and determine whether said estate is worth more or less than ten thousand dollars, which determination is conclusive for the purpose of giving notice to creditors, but for no other purpose." The object of this last amendment is to require the court to find the value of the estate for the sole purpose of fixing the time for which notice to creditors must be given.

Section 1350, C. C. P.
The final clause respecting the renouncement by executors was omitted and the matter provided for in new Section 1350*a*.

Section 1350a, C. C. P.
See note to Section 1350.

Section 1351, C. C. P.
The words "estate or" in line 3 of section on page 2 of the printed bill, are inserted before "will," the reason being self evident.

Assembly Bill No. 384. Section 384, C. C.
There are two sections in the Civil Code containing identical language, one being 384, and the other 404; 384 is not in the proper place, and 404 is. Section 384 is therefore repealed, leaving Section 404 intact, and a proviso is added in the repealing Act so that any rights acquired under 384 shall not be lost, but shall be continued in force under the provisions of Section 404.

Assembly Bill No. 180. Section 1371, C. C. P.
The amendment consists in omitting after the word "petition" on line 11, page 1 of the printed bill, the words: "and are afterwards proved in the course of administration," because no means are provided for ascertaining what subsequent proofs are made, and the words omitted add nothing but doubt to the section.

Section 1379, C. C. P.
The amendment consists in adding after the word "entitled" on line 5 of the section, page 2 of the printed bill, the following: "or to a person who would be entitled if a resident of the State." This amendment avoids the narrow construction put upon the section by the Supreme Court and, it is believed, expresses the real intent of the Legislature.

Section 1383, C. C. P.
The amendment to this section is made by inserting after the word "them" on line 7 of the section, page 2 of the printed bill, the following: "whether the person so requesting is a resident or non-resident of the State."

Assembly Bill No. 181. Section 1328, C. C. P.
The words "of a regular term" are omitted because there are no terms of court.

Section 1329, C. C. P.
The amendment strikes out the words "personal service of the citation having been made upon any" and inserts in lieu thereof "proof having been made of service of the citation upon all of the," lines 4 and 5, page 2 of the printed bill.

Assembly Bill No. 182. Section 1323, C. C. P.
The words "clerk of the court" are substituted for "court or judge," in line 7, page 1 of the printed bill, making the section correspond to the practice set forth in Section 1303 of the Code of Civil Procedure.

Assembly Bill No. 183. Section 1300, C. C. P.
The word "legatees" is inserted in line 7, page 1 of the printed bill. Inasmuch as the devisees are already named in the statute, there is no question but that the word "legatees" was omitted through oversight.

Assembly Bill No. 184. Section 1269, C. C. P.
The word "possessed" has been substituted for the word "seized," line 16, page 2 of the printed bill.
The words "claimant and possessor" have been substituted for the word "person" at the beginning of line 22, page 2, of the printed bill.
The words "prior to the expiration of such time" are inserted in lines 28 and 29, page 2 of the printed bill.
The desirability of these changes are manifest. They require the summons, when an estate is claimed to have escheated, to be directed to the claimant and to the occupant, and make the publication sufficient if for one month *prior to the hearing*.

Section 1270, C. C. P.
The words "of such estate or any part thereof," after the word "charge," on line 37, page 2 of the printed bill, are added, it being evident that if a receiver is to take charge the relief should be complete and he should not be confined simply to the right to receive rents.

Section 1271, C. C. P.
The words "is the owner of the property" are substituted for the words "be seized," line 47, page 2 of printed bill. The word "property" is substituted for the words "land and tenements," line 53, page 3, printed bill. The words "is the owner and entitled to the possession thereof" are inserted in place of the words "be seized thereof," lines 55 and 56, page 3 of the printed bill.
The words "who have appeared and answered" are inserted after the word "defendants," on line 57, page 3 of the printed bill, in order to compel the dismissal of such defendants as have not appeared and answered.

The words "property, unless it consists of money" are substituted for the words "real property," in order to include all kinds of property, real, personal, and mixed, except money, on lines 60 and 61, page 3 of printed bill.

The word "or" is substituted for the word "and," on line 68, page 3 of the printed bill, to correct an evident mistake.

The words "of ten per cent," after the word "offer," on line 73 of the printed bill, are stricken out, thus re-opening the bidding and preventing the necessary escheating to the State if any amount in excess is bid.

Section 1272, C. C. P.

Omits the words "married woman" * * * "or persons beyond the limits of the United States," from the saving clause, there being now no disabilities with reference to said persons.

Assembly Bill No. 186. Section 1228, C. C. P.

The amendment is in subdivision one and substitutes the words "vote of two thirds of the members or of the holders of two thirds of the subscribed capital stock," for the ambiguous words in the present statute, the former being what was really intended by the Legislature.

Section 1230, C. C. P.

To provide for the notice to be given and by whom in proceedings for the voluntary dissolution of corporations.

Section 1234, C. C. P.

The word "unknown," in line 13, Section 3, page 2 of the printed bill, substituted for the word "known," to correct a manifest clerical error.

Assembly Bill No. 188. Sections 1204–1207, inclusive, C. C. P.

Have been rewritten, and 1208 added, because the first four sections are ambiguous and carelessly drawn. Nothing new is intended by the chapter.

Assembly Bill No. 190. Section 1115, C. C. P.

Substitutes "twenty" for "forty," and strikes out "the return day of the election," and inserts "declaration of the result of the election by the body canvassing the returns thereof." In *Carlson* vs. *Burt*, 111 Cal., 129, it was held that the words "return day of the election" meant the day on which by law the canvass of the vote *commences*. The result of that construction is, that if the canvass is sufficiently prolonged, no contest can be initiated. As the whole title refers to contesting the right of persons "declared elected," the time should run from that declaration. If that be so, forty days is too long, and twenty ample.

Section 1124, C. C. P.

Provides for contest of the result when the canvassing board has declared that a tie exists between candidates

Section 1126, C. C. P.

Insert "within thirty days after notice of the entry thereof," to make practice definite.

Assembly Bill No. 191. Section 1417, C. C. P.

The amendment is contained in the last sentence. As the law now stands, the compensation of a special administrator cannot be fixed until the final settlement of the estate, which may be, and often is, years after his services have been completed.

Assembly Bill No. 193. Section 1431, C. C. P.

Inserts the words "the same" before "jurisdiction," line 23, Section 1, page 2 of the printed bill, to correct a clerical error.

Section 1432, C. C. P.

Substitutes "hereinbefore" in place of "hereinafter," in line 8, Section 2, page 2, to correct a clerical error.

Assembly Bill No. 195. Section 1445, C. C. P.

Besides some trifling changes in verbiage, the amendment is designed to secure greater definiteness as to the inventory of a partnership property interest.

Assembly Bill No. 275. Section 1593, C. C. P.

Inserts after the words "petition by" the words "the executor or administrator, or by," thus authorizing him to present a petition for leave to convey property pursuant to a contract of sale made by the decedent.

Section 1600, C. C. P.

Strikes out at the end of the section the words "entered on the minutes of the court and recorded," this requirement being covered by the general provisions of Sections 1704 and 1604 of the same Code.

Section 1607, C. C. P.

The words "deed or transfer and" are omitted after the word "producing," on line 5, Section 3, page 2, to harmonize the section with Section 1604 of the same Code.

Assembly Bill No. 189. Sections 1166, 1167, and 1175, C. C. P.

"Verified" is substituted for "in writing," lines 3 and 4, Section 1, page 1, and Section 1175 thus made unnecessary, and the provisions respecting summons are omitted from Section 1166, that subject being left to the control of the general law and of Section 1167.

Assembly Bill No. 192. Section 1423, C. C. P.
Omits the provision that upon the admission of a will to probate the powers of the administrator cease. It is misleading, as the power continues until his letters are revoked, under Section 1428 of the same Code.

Assembly Bill No. 194. Section 1436, C. C. P.
Insert the words "direct such executor or administrator to be cited to appear and show cause why his letters should not be revoked, and," to make it clear that an executor or administrator may be cited without being first suspended.

Section 1437, C. C. P.
Amended to correspond to Section 1436.

Assembly Bill No. 198. Section 1458, C. C. P.
The amendment omits the word "alienates." A remedy of this kind should not be given except in cases where the action of the defendant has been fraudulent or criminal. The amendment also makes the section apply to embezzlement committed at any time, whether administration is pending or not. It would seem to be as important in the one case as in the other.

Section 1459, C. C. P.
Strikes out "in the latter case," thus entitling the person found innocent to recover his expenses, whether he is a non-resident of the county or not.

Section 1460, C. C. P.
Strikes out the provision that the order for a disclosure shall be prima facie evidence of the right of the executor or administrator to the property, and that the recovery must be for double its value; also substitutes "or fraudulently" for the words "conveyed away or." The present section is unjust and probably unconstitutional. The provision respecting double damages should be applicable only to the cases specified in Section 1458 of the same Code.

Assembly Bill No. 199. Section 1466, C. C. P.
In place of the word "amount," substitutes the word "property," line 3, Section 1, page 1.

Section 1468, C. C. P.
Inserts the words "other than the homestead selected and recorded during the lifetime of the decedent," lines 3 and 4, Section 2, page 1, and substitutes the word "spouse" for the word "husband" where it occurs in the section, thus avoiding the rule affirmed in *Estate of Walkerly*, 108 Cal. 627, and leaving the homestead subject to administration, without, however, impairing the homestead rights.

Assembly Bill No. 200. Section 1471, C. C. P.
Added to settle the practice with reference to giving notices in the matter of setting apart homesteads, as it already exists under rules of court in many jurisdictions and to make the practice uniform.

Assembly Bill No. 276. Section 1612, C. C. P.
The words "in writing" inserted at end of section, that being the real intent.

Respectfully submitted.

WYATT, Chairman.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 657—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Also: Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Also: Assembly Bill No. 36—An Act to amend Section 595 of the Political Code, relating to the general duties of an Insurance Commissioner.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DREW, Chairman.

The above reported bills ordered on file for second reading.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read.

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

Also: Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Also: Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Also: Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Also: Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and amended March 20, 1905.

Also: Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Also: Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Also: Committee Substitute for Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of the Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and to add a new section thereto, to be numbered eighteen and one half, all relating to the practice of pharmacy and providing a penalty for the violation thereof and for the appointment of a board to be known as the California State Board of Pharmacy.

Also: Senate Bill No. 74—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Also: Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in the assessment books.

Also: Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

Also: Senate Bill No. 60—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District, California.

Also: Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one ($1,621) dollars to pay the Regents of the University of California for moneys appropriated by them to rebuild the barn at the Lick Observatory at Mt. Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and the Treasurer of the State in relation thereto.

Also: Senate Bill No. 292—An Act making an appropriation of five thousand ($5.000) dollars for the purpose of completing the photographic laboratory in combination with the fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Also: Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Senate Bill No. 542—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

Also: Senate Bill No. 458—An Act to amend Section 655 of the Civil Code, relating to the things in which property may exist.

Also: Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry, and for the appointment of a Board of Examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Also: Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county,

or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Also: Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Also: Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the 'Yosemite Valley and Mariposa Big Tree Grove,'" approved April 15, 1880, and all Acts amendatory thereof or supplementary thereto.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Also: Amended, and passed as amended, Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Also: Passed Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Also: Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the Bay of San Diego, or in the entrance thereto.

Also: Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

Also: Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses.

Also: Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Also: Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six, of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Also: Assembly Bill No. 95—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district to be called 'Reclamation District Number Seventy,' and providing for the control and management thereof," approved March 12, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Also: Amended, and passed as amended, Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Your honorable body is respectfully requested to concur in the Senate amendments to Assembly Bills Nos. 348 and 4.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 16—Relative to Lincoln's birthday observance.

Also: That the following-named Senators have been named to act on the matters referred to in Assembly Concurrent Resolution No. 16: Hon. Geo. T. Rolley, Hon. Leroy A. Wright, and Hon. John B. Sanford.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Also: Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Also: Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Also: Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Also: Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Also: Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.

Also: Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.

Also: Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day amended and passed the following, as amended:

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month—and respectfully request your honorable body to concur in the amendment.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Mr. Sackett moved that the consideration of Assembly Bill No. 329, as amended by the Senate, be now proceeded with.

Motion carried.

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

SENATE AMENDMENT CONCURRED IN.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 329?"

Amend by inserting after the enacting clause the following:

SECTION 1. Section 1697 of the Political Code of the State of California is hereby amended to read as follows:

The roll was called, and Senate amendment to Assembly Bill No. 329 concurred in, by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Butler, Campbell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Assembly Bill No. 329 ordered to reëngrossment and enrollment.

Senate Bill No. 29 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 93 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 125 read first time, and referred to Committee on Judiciary.

Senate Bill No. 456 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 413 read first time, and referred to Committee on Agriculture.

Senate Bill No. 244 read first time, and referred to Committee on Election Laws.

Senate Bill No. 459 read first time, and referred to Committee on Judiciary.

Senate Bill No. 100 read first time, and referred to Committee on Judiciary.

Committee Substitute for Senate Bill No. 433 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 74 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 71 read first time, and referred to Committee on Judiciary.

Senate Bill No. 348 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 60 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 260 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 291 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 292 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 500 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 542 read first time, and referred to Committee on Judiciary.

Senate Bill No. 458 read first time, and referred to Committee on Judiciary.

Senate Bill No. 522 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 570 read first time, and referred to Committee on Election Laws.

Senate Bill No. 127 read first time, and referred to Committee on Judiciary.

Senate Bill No. 385 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 494 read first time, and referred to Committee on Fruit and Vine Interests.

Senate Bill No. 521 read first time, and referred to Committee on Judiciary.

Senate Bill No. 452 read first time, and referred to Committee on Judiciary.

Senate Bill No. 475 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 503 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 549 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 296 read first time, and referred to Committee on Judiciary.

Senate Bill No. 582 read first time, and referred to Committee on County and Township Governments.

Assembly Bills Nos. 131, 348, 432, 139, 412, 176, 92, 94, 95, and 4, and Assembly Concurrent Resolution No. 16, ordered to enrollment.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, and referred as indicated:

By Committee on Election Laws: Assembly Bill No. 794 (Committee Substitute for Assembly Bills Nos. 147 and 465)—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers.

Bill read first time, and placed on file without reference.

By Mr. Johnson of San Diego: Assembly Bill No. 795—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Hewitt: Assembly Bill No. 796—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Hammon: Assembly Bill No. 797—An Act to repeal an Act entitled "An Act to amend an Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provisions for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Held: Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Sackett: Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county, and city and county school tax.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Bill read first time, and referred to Committee on Education.

By Mr. Lemon: Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Birdsall: Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out

the object of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Coghlan: Assembly Bill No. 803—An Act to provide for the reproduction of books, documents, maps, or records of any city, county, or city and county board or officer, where the same have been destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Chandler: Assembly Bill No. 804—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Baxter: Assembly Bill No. 805—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and privileges in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Stetson: Assembly Bill No. 806—An Act to prescribe the duties of certain attendants at State hospitals for the insane, and repealing Acts in conflict herewith.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Beckett: Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, number 9, relating to furnishing the series of school text-books published by this State to institutions in this State conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. McConnell: Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 809—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies, and all other infectious or contagious diseases among sheep.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Vogel: Assembly Bill No. 810—An Act to provide for the purchase of the building and site of the old Mission Dolores, at San Francisco, California, constituting a board of trustees to maintain the same as a California landmark; and appropriating the sum of $50,000 therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 811—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of $10,000 therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Whitmore: Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts."

Bill read first time, and referred to Committee on Irrigation.

By Mr. Butler: Assembly Bill No. 813—An Act to amend Section 1 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointmen t ofa Board of Medical Examiners in the matter of said regulation," which became a law under the constitutional provision without the Governor's approval, February 27, 1901.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Pierce: Assembly Bill No. 814—An Act to insure the betterment of education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Wyatt: Assembly Bill No. 815—An Act to make an appropriation to straighten and confine the channel of the Salinas River and protect the banks thereof from erosion, by means of jetty work and riprap.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trade marks.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Berry: Assembly Bill No. 820—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beardslee: Assembly Bill No. 821—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Vogel: Assembly Constitutional Amendment No. 20—An amendment to Article XIII of the Constitution, to propose to the people of the State of California the repeal of Section 12, of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

Referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 21—An amendment to Article XIII of the Constitution as follows: A resolution to propose an amendment to the Constitution of the State of California, amending Section 10½ of Article XIII, providing that the personal property of every householder to the amount of $200, the articles to be selected by each householder, shall be exempt from taxation.

Referred to Committee on Constitutional Amendments.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 2—Relative to amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest—have had the same under consideration, and respectfully report the same back with a committee substitute, and recommend the adoption of the substitute.

WESKE, Chairman.

SPECIAL ORDER SET.

Mr. Johnson of Sacramento moved that the further consideration of Assembly Constitutional Amendment No. 2 be made a special order for two o'clock P. M. of Monday, February 18, 1907.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Mr. Pyle:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized and directed to pay the same, for the sum of eleven hundred and twenty-eight dollars and ninety cents ($1,128.90), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

A. J. Johnston Co.	$ 648 75
N. Harvie	103 50
Mrs. C. Mackall	10 00
Scott, Lyman & Stack	175 20
John Breuner Co.	31 90
F. R. Pullford	36 20
H. M. Sitton	2 20
Capital Telegraph and Telephone Co.	12 00
H. E. Sleeper	11 05
Kane & Trainor Co.	21 00
Miss J. Adams	18 00
Hugh McWilliams	16 50
W. F. Purnell	42 60
	$1,128 90

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains—was refused passage, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Smith, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—Messrs. Beban, Boyle, Coghlan, Cullen, Kohlman, Ludington, Strohl, and Toomey—8.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, further consideration of Assembly Bill No. 447 was made a special order for ten o'clock and thirty minutes A. M., of Wednesday, February 20, 1907.

SECOND READING OF BILLS.

Assembly Bill No. 395—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collecting thereof, and making the violations of this Act a misdemeanor.

During second reading of bill, the following amendment was submitted by Mr. Drew:

Amend by striking out the words "from his" on line 3, Section 11, page 3, printed bill, and inserting in lieu thereof the following "having a."

Amendment adopted.

By Mr. Bush:

Amend by inserting after the word "churns" on line 7, first page, printed bill, the following words: "or fruit trees, vines, or shrubs."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

THIRD READING OF BILLS.

Assembly Bill No. 366—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, and 12 thereof.

Bill read third time.

During the third reading of the bill, Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill as follows:

By striking out of Section 2, line 15, of printed bill, the words "as shown by the last preceding federal census," and inserting in lieu thereof the following: "at the time of the organization of such company."

Also: Amend by striking out of Section 3, line 12, of printed bill, all after the word "dollars," in said section, and inserting in lieu thereof the following: "On first class insurance and a pro rata amount on other classes, and said sum so raised shall constitute a reserve fund to be used in emergency cases only, and another assessment for this fund shall not be made while this reserve remains intact."

Motion carried.

The Speaker appointed Mr. Drew as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 366, with instructions, do now report that the instructions of the Assembly have been carried out.

DREW, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

BILL RE-REFERRED TO COMMITTEE.

On motion of Mr. Stetson, Senate Bill No. 463—An Act authorizing any incorporated city, town, or municipal corporation, to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling or transporting materials or supplies required in the construction or completion of any public work, improvement, utility, or for the purpose of maintaining or operating any such work, improvement, or utility—was re-referred to the Committee on Municipal Corporations.

NOTICES TO RECONSIDER VOTES STRICKEN FROM FILE.

Assembly Bill No. 400—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.

Assembly Bill No. 401—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.

Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

The time having expired for making motions to reconsider the votes whereby the above bills were passed, they were ordered stricken from the file, and ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 5.

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education and text-books, and providing for free text-books.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, one thousand nine hundred and seven, and two thirds of all the members elected to each of the houses of the Legislature voting in favor thereof, hereby proposes that section seven of article nine of the Constitution of the State of California be amended so as to read as follows:

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professors of pedagogy therein, and five other members to be appointed by the Governor as follows: one, a principal of a California State Normal School, to hold for a term of five years; one, a city, city and county, or county superintendent of schools of California, to hold for a term of four years; one, a high school principal of California, to hold for a term of three years; one, a member of the faculty of a California polytechnic school of recognized standing, who has been specially prepared to teach manual training, to hold for a term of two years; one, a business man of California of recognized ability, to hold for a term of one year; *provided*, that when any member ceases to hold a position equivalent to that which he held at the time of his appointment, he shall cease to be a member of the board and the Governor shall appoint for the unexpired term. Said body shall constitute the State Board of Education, and shall compile or cause to be compiled, and adopt a uniform system of text-books for use in the common schools throughout the State; and shall perform such other duties as may be prescribed by law. The Legislature shall provide for the printing and publishing of such text-books, when adopted, by the Superintendent of State Printing at the State Printing Office, and for the distribution of the same for use in the common schools throughout the State, free of any charge, to all children attending such schools, under such restrictions and regulations as the Legislature may hereafter provide. The text-books so adopted shall continue in use not less than four years. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards shall have control of the examination of teachers, and the granting of teachers' certificates within their respective jurisdictions.

Assembly Constitutional Amendment read.

The question being on the adoption of Assembly Constitutional Amendment No. 5.

The roll was called, and Assembly Constitutional Amendment No. 5 adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—64.

NOES—Messrs. Baxter, Chandler, and Drew—3.

Constitutional amendment ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 10—Relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured and to taxes due upon such assessment.

Mr. Drew asked for and was granted unanimous consent to withdraw Assembly Constitutional Amendment No. 10.

CONSTITUTIONAL AMENDMENT WITHDRAWN.

Assembly Constitutional Amendment No. 10 was withdrawn and ordered stricken from the file.

ASSEMBLY CONSTITUTIONAL AMENDMENT No 16.

The Legislature of the State of California at its regular session, beginning in January, 1907, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that section fourteen of Article VI of the Constitution be amended so as to read as follows:

Section 14. The Supreme Court shall appoint the Clerk of the Supreme Court, who shall hold office during the pleasure of the court and shall perform such duties as may be required by law, or as may be directed by the court. He may appoint such number of the deputies and assistants allowed by law, as the court may, from time to time, direct. The clerk, deputies, and assistants shall receive the compensation provided by law. The county clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties The Legislature may also provide for the appointment by the several Superior Courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

Assembly Constitutional Amendment No. 16 read.

The roll was called, and Assembly Constitutional Amendment No. 16 refused adoption by the following vote:

AYES—Messrs. Campbell, Chandler, Cogswell, Cutten, Devlin, Drew, Eshleman, Estudillo, Hammon, Johnson of Sacramento, Johnson of San Diego, Pyle, Thompson of Los Angeles, Weske, and Wyatt—15.

NOES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Coghlan, Collister, Cornish, Cullen, Davis, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Stetson, Strohl, Strobridge, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

Assembly Bill No. 317—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1829, relative to district school taxes.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 317 refused passage by the following vote:

AYES—Messrs. Cornish, Devlin, Drew, Hammon, Hewitt, Leeds, Lynch, Percival, Sackett, Strobridge, Thompson of Los Angeles, Wessling, and Mr. Speaker—13.

NOES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Davis, Eshleman, Finney, Fisher, Forbes, Hartmann, Held, Higgins, John, Jury, Kohlman, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Pyle, Root, Smith, Spaulding, Stetson, Transue, Whitmore, and Wyatt—45.

Assembly Bill No. 315—An Act amending Section 1503 of the Political Code of the State of California, relating to normal school diplomas.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 315 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Eshleman, Estudillo, Finney, Fisher, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404—An Act to amend Title I of Part IV of the Civil Code of the State of California by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens.

Bill passed to foot of file.

Assembly Bill No. 527—An Act entitled "An Act to amend Section 671 of the Civil Code."

Bill passed to foot of file.

Assembly Bill No. 244—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

During the third reading of the bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "firearms," in line 6, of Section 1 of the printed bill, as amended, insert the words "except shotguns and rifles."

Also: After the word "firearm," in line 7, of Section 1 of the printed bill, as amended, insert the words "except shotguns and rifles."

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 244, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 440—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.

During the third reading of the bill, Mr. Campbell moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by adding to line 262 of Section 17, on page 8 of printed bill, the following: "*Provided, however*, that the provisions of this Act and the Acts to which it is amendatory shall not apply to regularly licensed physicians and surgeons in the State of California."

Motion carried.

The Speaker appointed Mr. Campbell as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 440, with instructions, do now report that the instructions of the Assembly have been carried out.

CAMPBELL, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 439 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan. Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann,

Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9.

During the third reading of the bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out from and including the word "the" where it first occurs in line 3, of Section 1 of the printed bill, as amended, to and including the word "term" in line 19, of Section 1 of the printed bill, as amended.

Also: To renumber lines of Section 1.

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 241, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 508 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Coghlan, Collister, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

NOES—Messrs. Case, Costar, Davis, and Thompson of Los Angeles—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Bill read third time.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, further consideration of Assembly Bill No. 6 was made a special order for two o'clock P. M. of Friday, February 15, 1907.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 84—An Act to add a new section to the Civil Code of the State of California, to be known as No. 329, relating to lost or destroyed bonds of a corporation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 84 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Finney, Fisher, Forbes, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Bill passed to foot of file.

Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code relating to savings and loan corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 466 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Finney, Fisher, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 573—An Act to amend Section 1181 of the Penal Code of the State of California, by adding a new subdivision thereto, to be numbered 8, relating to granting of new trials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 573 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts and condemnation of property therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 538 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cogswell, Collister, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Bill passed to foot of file.

Assembly Bill No. 519—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill passed to foot of file.

Assembly Bill No. 246—An Act to prevent a minor child misrepresenting his age to procure intoxicating liquors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 246 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Davis, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lynch, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337*a*, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing, or running race between horses, mares or geldings, and providing the punishment for the violation thereof.

During the third reading of the bill, Mr. Strobridge moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add immediately after the word "offense," in line 28 of printed bill, the following: "*Provided, however*, that the provisions of this Act shall not apply to trotting and pacing races at any meet or meets which do not last, in the aggregate, more than ten days in any one year in any one county in this State."

Roll call was demanded, and the motion to appoint lost by the following vote:

AYES—Messrs. Butler, Case, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Finney, Forbes, John, Johnson of Sacramento, Leeds, Lemon, Lynch, McConnell, McGuire, Otis, Pyle, Sackett, Spaulding, Strobridge, Whitmore, and Wyatt—26.

NOES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Coghlan, Collister, Cullen, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Ludington, McClellan, McKeon, O'Brien, Percival, Pierce, Root, Smith, Snyder, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, and Mr. Speaker—42.

Bill read third time.

SPECIAL ORDER SET.

Mr. Eshleman moved that further consideration of Assembly Bill No. 74 be made a special order for eleven o'clock A. M. of Thursday, February 14, 1907.

Mr. Coghlan moved to amend the motion by making the time for consideration eleven o'clock of Monday, February 18, 1907.

Motion carried.

The question being upon motion of Mr. Eshleman, as amended.

The question was put, and the motion, as amended, carried.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

NOTICE OF MOTION TO RECONSIDER.

Mr. Costar gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 246 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 415—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts or parts of Acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 415 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Chandler, Cogswell, Cullen, Cutten, Davis, Drew, Estudillo, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strobridge, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 81—An Act to add a new section to the Political Code, to be numbered Section 2641*a*, creating the office of road overseers in counties of the forty-eighth and fifty-first classes, prescribing their duties, and providing for their compensation.

Assembly Bill No. 507—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other state, or of the United States Army, Navy, Marine Corps, or Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.

Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

HANS, Chairman.

The above reported reëngrossed bills, with the exception of Assembly Bill No. 81, were ordered on file for passage.

Assembly Bill No. 81 ordered transmitted to the Senate.

Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Bill read third time on a previous day.

Mr. Davis moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert, after Subdivision 4, line 24 of page 2 of the printed bill, the following:

Provided, That whenever any other railroad corporation shall desire to run its trains in any place where it is impracticable, for physical reasons or otherwise, to lay a track in addition to the track or tracks already existing, such other railroad corporation shall have the right to use the tracks of the corporation first acquiring the right of way in such place on such conditions as may be agreed upon between the corporations; *and, provided further*, that whenever said corporations shall be unable to agree as to the necessity of joint use of such tracks, or the conditions on which such use may be had, or the compensation to be paid therefor, either or both of such corporations may apply to a judge of the superior court in the county where the track over which joint use is sought is situated, or one of such counties, and the said judge may thereupon appoint a competent and impartial person who, together with a similar person appointed by each of the corporations to such dispute, shall constitute a tribunal of arbitration, to hear and determine all questions regarding such joint use, and the decision of a majority of said arbitrators shall be binding on both corporations to such disputes.

Roll call was demanded.

The roll was called and motion to appoint lost by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Drew, Eshleman, Estudillo, Finney, Forbes, Held, Hewitt, Higgins, John, Johnson of Sacramento, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McMullin, Percival, Pyle, Sackett, Thompson of Los Angeles, Weske, and Whitmore—32.

NOES—Messrs. Barry, Beban, Beckett, Bell, Boyle, Bush, Butler, Campbell, Coghlan, Cornish, Cullen, Fisher, Fratessa, Hammon, Hartmann, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, McGuire, McKeon, Otis, Pierce, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Wessling, Wilson, Wyatt and Mr. Speaker—39.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 256 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Drew, Estudillo, Fisher, Fratessa, Hammon, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wilson, Wyatt, and Mr. Speaker—56.

NOES—Messrs. Chandler, Cutten, Davis, Eshleman, Finney, Forbes, Held, Hewitt, John, Lucas, and Whitmore—11.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION OF VOTE.

In compliance with his notice given on a previous day, Mr. Transue moved that the vote whereby Assembly Bill No. 422—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889—was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Butler, Collister, Cornish, Costar, Cullen, Cutten, Davis, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Held, Higgins, Kelly, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, Percival, Pyle, Root, Sackett, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

NOES—Messrs. Barry, Bell, Bishop, Bush, Campbell, Chandler, Cogswell, Coghlan, Drew, Finney, Hartmann, Hewitt, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, McClellan, McConnell, Otis, Pierce, Snyder, Stanton, Stetson, Strohl, and Wyatt—26.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Sackett moved a call of the House.

Motion lost.

Whereupon the Speaker announced that the bill was refused passage by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Butler, Collister, Cornish, Costar, Cullen, Davis, Eshleman, Fisher, Forbes, Johnson of San Diego, Jury, Kelly, Lucas, Ludington, McConnell, McGuire, McMullin, Percival, Pyle, Root, Sackett, Smith, Strobridge, Thompson of San Francisco, Toomey, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—36.

NOES—Messrs. Barry, Bell, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Cutten, Drew, Estudillo, Finney, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lynch, McClellan, McKeon, O'Brien, Otis, Pierce, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, and Wyatt—38.

Assembly Bill No. 455—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulations violated, and providing that such penalty shall in all cases be reasonable and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 455 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Lemon, Lucas, McClellan, McGuire, McMullin, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled:

Assembly Bill No. 263—An Act entitled an Act to amend Section 1669 of the Political Code, relating to the establishment of high schools—and was presented to the Governor, February 12, 1907, at two o'clock and fifty minutes P. M.

Also: Have examined and found the following bills correctly engrossed:

Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof.

Assembly Bill No. 378—An Act to amend Section 1388 of the Civil Code, relating to succession to the estates of illegitimates.

Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

At four o'clock and ten minutes P. M., Hon. J. P. Transue, Speaker pro tem., in the chair.

LEAVE OF ABSENCE.

Speaker R. L. Beardslee asked for and was granted leave of absence until Thursday, February 14, 1907.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 389—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 389 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, McGuire, McKeon, Otis, Percival, Pyle, Smith, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 491 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cullen, Drew, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Smith, Spaulding, Stanton, Thompson of San Francisco, Thompson, of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

COMMITTEE TEMPORARILY EXCUSED.

At four o'clock and twenty minutes P. M., on motion of Mr. Finney, the Committee on Roads and Highways was excused for twenty minutes.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement thereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 512 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Birdsall, Bishop, Butler, Campbell, Case, Chandler, Costar, Cullen, Drew, Fratessa, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Wyatt—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation thereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 513 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Costar, Cullen, Fisher, Forbes, Fratessa, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Wyatt—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 522 passed by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Coghlan, Costar, Fisher, Forbes, Fratessa, Hartmann, Held, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lynch, McConnell, McGuire, McKeon, O'Brien, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, and Wyatt—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 547—An Act for the protection of the men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Bill read third time.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, the further consideration of Assembly Bill No. 547 was made a special order for eleven o'clock A. M. of Tuesday, February 19, 1907.

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Bill read third time.

Bill ordered on file as unfinished business.

Assembly Bill No. 378—An Act to amend Section 1388 of the Civil Code, relating to succession to the estates of illegitimates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 378 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, O'Brien, Percival, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Strobridge, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Wyatt—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 85 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Snyder Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

BILLS RE-REFERRED.

On motion of Mr. Lynch, Assembly Bills Nos. 678, 679, 680, 681, and 682 were ordered withdrawn from the Committee on Roads and Highways, and referred to the Committee on Judiciary.

INTRODUCTION OF BILL—(OUT OF ORDER).

Unanimous consent having been obtained, the following bill was introduced, and referred as indicated:

By Mr. Thompson of Los Angeles: Assembly Concurrent Resolution No. 18—Approving the charter of the City of Long Beach, State of Cali-

fornia, voted for and ratified by the qualified electors of said city at a special election held therein, for the purpose of ratifying said charter, on the 5th day of February, 1907.

Assembly Concurrent Resolution referred to Committee on Municipal Corporations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

Unanimous consent having been obtained, the following report of standing committee was received and read:

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 336—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

HELD, Chairman.

Assembly Bill No. 336 referred to Committee on Ways and Means.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Baxter, the Speaker pro tem. declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Wednesday, February 13, 1907.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday Evening, February 12, 1907.

The Lincoln exercises programmed by the Joint Committee of three Senators and three Assemblymen, in conformity with the provisions of Assembly Concurrent Resolution No. 16, unanimously adopted by both Houses on yesterday, were carried out in the hearing of a house full of interested and patriotic citizens, as follows:

ORDER OF EXERCISES.

1. National Airs—Peterson's Orchestra.
2. Call to Order—Hon. J. P. Transue, Speaker pro tem. of the Assembly.
3. Introduction of Hon. Geo. T. Rolley, Chairman of the Joint Legislative Committee.
4. Invocation—Rev. C. H. Darling, Chaplain of the Senate.
5. "America"—Miss Mabel A. Peterson, and audience.

AMERICA.

My country! 'tis of thee,
Sweet land of liberty,
Of thee I sing;
Land where my fathers died,
Land of the pilgrims' pride,
From ev'ry mountain side,
Let freedom ring!

Our father's God! to Thee,
Author of Liberty,
To Thee we sing;
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God, our King!

6. Lincoln, "The Citizen"—Hon. Henry M. Willis.
7. Lincoln, "The Statesman"—Hon. Frank R. Devlin.
8. Solo, "The Maid of Poppyland"—Miss Mabel A. Peterson.
9. Some appropriate remarks, and the reading of "Lincoln's Gettysburg Address"—Hon. E. I. Wolfe, President pro tem. of the Senate.
10. Poem: "Lincoln"—Written and recited by Hon. Henry C. Dibble, of Lincoln Post No. 1, Grand Army of the Republic.
11. Lincoln, "The President"—Hon. Grove L. Johnson.
12. "Star-Spangled Banner"—Miss Mabel A. Peterson.

THE STAR-SPANGLED BANNER.

Oh, say, can you see by the dawn's early light,
What so proudly we hail'd at the twilight's last gleaming,
Whose broad stripes and bright stars, thro' the perilous fight,
O'er the ramparts we watch'd, were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof thro' the night that our flag was still there.

Chorus.

Oh, say, does that star-spangled banner yet wave
O'er the land of the free, and the home of the brave?

Oh, thus be it ever when freemen shall stand
Between their lov'd home and the war's desolation;
Blest with vict'ry and peace, may the heav'n-rescued land
Praise the pow'r that hath made and preserved us a nation
Then conquer we must, when our cause it is just,
And this be our motto: "In God is our trust."

Chorus.

And the star-spangled banner in triumph shall wave
O'er the land of the free, and the home of the brave!

13. Benediction—Rev. P. H. Willis, Chaplain of the Assembly.
14. "Home, Sweet Home"—Orchestra.

Arranged by:

GEO. T. ROLLEY, Chairman,
LEROY A. WRIGHT,
J. B. SANFORD,
J. P. TRANSUE,
FRANK J. O'BRIEN,
WARREN M. JOHN,
Joint Legislative Committee.

J. STEPPACHER, Secretary.

ADJOURNMENT.

At nine o'clock and fifty-five minutes P. M., on motion of Senator Wright, the Joint Assembly adjourned out of respect to the memory of the late and world-admired Abraham Lincoln.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 13, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. J. P. Transue, Speaker pro tem. of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, Mc-

Clellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—65.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Beckett, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, the following members were granted leave of absence for this day: Messrs. Jury, Birdsall, Finney, and McMullin.

APPROVAL OF JOURNALS.

On motion of Mr. Thompson of Los Angeles, the Journals of Wednesday, February 6, and Thursday, February 7, 1907, were read and approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 443—An Act to amend Sections 8 and 15 of an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Have had under consideration Assembly Bill No. 678—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.

Also: Assembly Bill No. 679—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.

Also: Assembly Bill No. 680—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Also: Assembly Bill No. 681—An Act to add a new section to the Political Code of the State of California, to be known as Section 2644*a*, relating to the oath and bond of road overseers.

Also: Assembly Bill No. 682—An Act to amend Section 2644 of the Political Code of the State of California, relating to allowing of claims by the board of supervisors.

And respectfully report the same back, and recommend that they be referred to the Committee on Judiciary.

FINNEY, Chairman.

Assembly Bill No. 443 referred to Committee on Ways and Means.

Assembly Bills Nos. 678, 679, 680, 681, and 682 re-referred to the Committee on Judiciary.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as the "Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties and compensation of a secretary of said school—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

LYNCH, Chairman.

Assembly Bill No. 628 ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 56—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Have had under consideration Assembly Bill No. 80—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home located at Evergreen, Santa Clara County, California, and respectfully report the same back, without recommendation.

PYLE, Chairman.

Assembly Bills Nos. 51, 53, 54, 55, 56, 58, and 80 referred to Committee on Ways and Means.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Judciary, to whom was referred Assembly Bill No. 579—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885, approved March 23, 1901," by amending Sections 8 and 14 thereof, and adding a new section thereto, to be numbered and designated Section 9½—report the same back, and recommend its passage.

Also: Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 240—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' " approved March 23, 1901, by amending Sections 12 and 13—with three amendments, and recommend its passage as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relative to contesting elections in case of a tie.

Also: Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STETSON, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Pyle:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly and the State Treasurer is hereby authorized and directed to pay the same, for the sum of eleven hundred and twenty-eight dollars and ninety cents ($1,128.90), in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, the same being for the payment of the following bills attached:

A. J. Johnston Co.	$ 648 75
N. Harvie	103 50
Mrs. C. Mackall	10 00
Scott, Lyman & Stack	175 20
John Breuner Co.	31 90
F. R. Pullford	36 20
H. M. Sitton	2 20
Capital Telegraph and Telephone Co.	12 00
H. E. Sleeper	11 05
Kane & Trainor Co.	21 00
Miss J. Adams	18 00
Hugh McWilliams	16 50
W. F. Purnell	42 60
	$1,128 90

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

Report and resolution read.

The roll was called, and report and resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—55.

NOES—None.

ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Assembly Bill No. 597—An Act to create a reclamation district to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

PERCIVAL, Chairman.

Assembly Bill No. 597 ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1907.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 456—An Act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

DREW, Chairman.

Assembly Bill No. 456 ordered on file for second reading.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 419—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Have had under consideration Assembly Bill No. 589—An Act to add a new

article to Chapter III of Part III of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers —and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 253—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations or corporations in this State engaged in the business of loaning money, receiving deposits, banking or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do not pass as amended.

SPAULDING, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 68—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded food and regulating the traffic in food, providing penalties, establishing a State laboratory for foods and drugs, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend a substitute therefor and that the substitute do pass.

Also: Have had under consideration Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof.

Also: Assembly Bill No. 553—An Act to amend Section 2979 of the Political Code, relating to duties of the State Board of Health.

And respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Have had under consideration Senate Bill No. 165—An Act to amend Sections 3078, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification and reporting of births, marriages, and deaths—and respectfully report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

The above-reported bills, with the exception of Assembly Bill No. 68, ordered on their respective files for second reading.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced and referred as indicated:

By Committee on Public Health and Quarantine: Assembly Bill No. 823 (Committee Substitute for Assembly Bill No. 68)—An Act for preventing the manufacture and sale of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

Bill read first time, and ordered to print, with rush order, and referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 79—An Act making an appropriation for the support of ex army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union Veterans, who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 140—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Have had under consideration Assembly Bill No. 144—An Act to provide for making repairs, and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.

Also: Assembly Bill No. 322—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Also: Assembly Bill No. 712—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

And respectfully report the same back, and recommend that they do pass.

Also: Have had under consideration Assembly Bill No. 143—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Also: Assembly Bill No. 320—An Act making an appropriation of $7,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building, and furnishing and equipping the same, at said school.

Also: Assembly Bill No. 321—An Act making an appropriation of $3,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

And respectfully report the same back, and recommend that they do not pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 423—An Act to amend Section 2653 of the Political Code, relating to property highway tax—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

FINNEY, Chairman.

Assembly Bill No. 423 ordered on file for second reading.

THE LOS ANGELES DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: The Los Angeles Delegation, to whom was referred Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

TRANSUE, Chairman.

Assembly Bill No. 672 referred to Committee on Judiciary.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons—have had the same under consideration, and respectfully report the same back, with nine amendments, and recommend that it do pass as amended.

WYATT, Chairman.

Assembly Bill No. 613 ordered on file for second reading.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 87—An Act transferring money from the Traveling Expense Fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Also: Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Also: Assembly Bill No. 430—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Assembly Bill No. 477—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Also: Assembly Bill No. 480—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

Also: Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 11—Relative to Joint Rules of Senate and Assembly.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3797, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to reënact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Also: Senate Bill No. 126—An Act concerning trespassing of animals upon private land and the recovery of damages resulting therefrom.

Also: Senate Bill No. 504—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.

Also: Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases.

Also: Adopted Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof, by amending Section 3 thereof, relating to the liability of stockholders of a corporation or joint stock association.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 12, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Also: Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Also: Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Also: Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Also: Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Also: Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars ($600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Also: Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars ($3,000) for the purpose of improving the grounds of Sutter's Fort.

Also: Senate Bill No. 384—An Act to convert, and return to the General Fund of the State treasury, all unexpended moneys heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Also: Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of an electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Also: Senate Bill No. 608—An Act making an appropriation for the furnishing of meals, lodgings, transportation, medicines, and other necessaries of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors, and securing employment for ex-convicts, and for defraying all necessary expenses in carrying out the purposes of this Act.

Also: Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

Also: Senate Bill No. 513—An Act to authorize municipal corporations, organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory of, or any Act amendatory thereof, to commence and prosecute an action, or actions, to recover real or personal property within the limits of such municipal corporations, acquired or held by the Board of Fire Commissioners, created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bills Nos. 87, 220, 324, 430, 477, 480, and 335 ordered to enrollment.

Senate Concurrent Resolution No. 11 referred to Committee on Rules and Regulations.

Senate Bill No. 27 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 126 read first time, and referred to Committe on Judiciary.

Senate Bill No. 504 read first time, and referred to Committee on State Library.

Senate Bill No. 492 read first time, and referred to Committee on Judiciary.

Senate Constitutional Amendment No. 33 referred to Committee on Constitutional Amendments.

Senate Bill No. 228 read first time, and placed on file without reference.

Senate Bill No. 14 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 54 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 106 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 107 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 114 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 115 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 517 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 519 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 384 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 581 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 608 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 627 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 513 read first time, and referred to Committee on Municipal Corporations.

Mr. Johnson of Sacramento moved that Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure"—be recalled from the Committee on Engrossment and Enrollment for the purpose of taking action on Senate amendment to bill.

Motion carried.

Bill recalled.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 4?"

Amend by inserting after the word "action," on line 21, second page, printed bill, the following: "for divorce or."

The roll was called, and Senate amendment to Assembly Bill No 4 concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Wyatt—58.

NOES—None.

Assembly Bill No. 4 ordered to reëngrossment and enrollment.

BILL RECALLED FROM COMMITTEE, AND SET AS A SPECIAL ORDER.

Mr. Root moved that Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills—as amended by the Senate, be recalled from the Committee on Engrossment and Enrollment, and made a special order for consideration on Wednesday, February 20, 1907, at eleven o'clock A. M.

Motion carried, and such were the orders.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been granted therefor):

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 190

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 248—An Act to amend Sections 338, 339, 340, 341 of the Penal Code, and to add two new sections thereto, to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers

Also: Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Also: Assembly Bill No. 202—An Act to amend Section 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501*a*, all relating to claims against the estates of decedents.

Also: Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Also: Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators and to the settlement of such accounts.

Also: Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Also: Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also: Have had under consideration Assembly Bill No. 286—An Act to amend sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas—and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

Also: Have had under consideration Assembly Bill No. 185—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings—and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

Also: Have had under consideration Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Also: Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Also: Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Also: Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Also: Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Also: Assembly Bill No. 284—An Act to repeal Title XIII of Part III of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Also: Assembly Bill No. 289—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Also: Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

And respectfully report the same back, and recommend that they do pass.

WYATT, Chairman.

The above bills, with the exception of Assembly Bills Nos. 286 and 185, ordered on file for second reading.

Assembly Bill No. 286 was re-referred to Committee on Judiciary.

WITHDRAWAL OF ASSEMBLY BILL NO. 185.

Mr. Wyatt asked for and was granted unanimous consent to withdraw Assembly Bill No. 185.

Assembly Bill No. 185 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes and pigments.

Bill read third time on a previous day.

Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all after the enacting clause, and insert the following, viz:

SECTION 1. No person shall within this State manufacture for sale, offer for sale, or sell any article, mixture, compound, or substance used in making paints, oils, varnishes, or pigments, which is adulterated within the meaning of this Act.

SEC. 2. Any article shall be deemed adulterated within the meaning of this Act:

1. In case of oils, turpentines, alcohol, or other vehicles;

(*a*) If it contains any other substance or substances, ingredient or ingredients, different from the article under the name of which it is offered for sale or sold;

(*b*) If any substance has been mixed with it so as to lower, depreciate, or injuriously affect the quality, strength, or purity of the article;

(*c*) If any inferior or cheaper substance or substances have been substituted wholly or in part for it;

(*d*) If it is an imitation, or is sold under the name of any other article.

2. In case of lead, zinc, ochre or other metal, mineral, or chemical paints, or any other pigments in paste form and labeled pure, used in the painting or decorating industry;

(*a*) If any substance which lowers, depreciates, or injuriously affects the quality, strength, or purity of the article has been mixed with it, or substituted wholly or in part for it;

(*b*) If it is an imitation of any other article.

SEC. 3. Every person who adulterates or dilutes any article mentoned in this Act, and sells or offers for sale the same so diluted or adulterated, as undiluted and unadulterated, and every person who sells or offers for sale a different article without informing the purchaser of such difference, and every person who violates any of the provisions of this Act, is guilty of a misdemeanor.

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 318, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint and reëngrossment.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Held: Assembly Bill No. 824—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Stetson: Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Root: Assembly Bill No. 827—An Act to create the office of State Game Warden, and to define his powers and duties and to provide for the protection of the game by the use of such moneys only as are contributed by those who kill it.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Bill read first time, and referred to Committee on Claims

By Mr. Vogel: Assembly Bill No. 829—An Act to amend Section 628*a* of the Penal Code, relating to striped bass.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. McGuire: Assembly Bill No. 830—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. McConnell: Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Collister: Assembly Bill No. 832—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Davis: Assembly Bill No. 833—An Act to punish combinations in restraint of trade.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Johnson of Sacramento: Assembly Bill No. 834—An Act fixing time for passing sentence in criminal actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 835—An Act providing that credits allowed prisoners in the State prisons and serving more than one sentence be computed and allowed on all the terms of sentence as on one continuous term sentence.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Walsh: Assembly Bill No. 836—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Wyatt: Assembly Bill No. 837—An Act to add a new section to the Political Code, to be known as Section 560, relating to the amount of capital stock necessary to be paid up before corporation may be permitted to act as executor, administrator, guardian, assignee, receiver, depositary, or trustee.

Bill read first time, and referred to Committee on Corporations.

By Mr. Stanton: Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Transue: Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence."

Bill read first time, and referred to Committee on Los Angeles Delegation.

Also: Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817, and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property, and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 841—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, constructing, straightening, improvement and repair of main public highways, providing for the acceptance of donations and for voting, issuing and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Ludington: Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Bill read first time, and referred to Committee on Education.

By Mr. Coghlan: Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stetson: Assembly Concurrent Resolution No. 19—Relative to adjournment *sine die*.

Concurrent Resolution referred to Committee on Ways and Means.

RESOLUTION.

The following resolution was offered:

By Mr. Cornish:

MR. SPEAKER: Your Committee on Fish and Game beg leave to report that it has visited the State hatcheries at Sisson and Ukiah, as per resolution heretofore introduced and adopted, and the following are entitled to mileage for same, to wit:

N. A. Cornish	840	miles	$84 00
John W. McClellan	840	"	84 00
P. V. Hammon	840	"	84 00
T. J. T. Berry	300	"	30 00
P. A. Stanton	540	"	54 00
Louis Strohl	540	"	54 00
W. D. L. Held	540	"	54 00
W. F. Ludington	540	"	54 00
W. F. Lemon	540	"	54 00
Frank J. O'Brien	540	"	54 00
E. S. Birdsall	540	"	54 00
W. R Leeds	540	"	54 00
J. T. Stafford	540	"	54 00
			$768 00

Resolved, That the State Controller is hereby authorized to draw his warrant for seven hundred and sixty-eight ($768) dollars in favor of N. A. Cornish, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Costar moved that the vote whereby Assembly Bill No. 246 was passed, be reconsidered.

Assembly Bill No. 246—An Act to prevent a minor child misrepresenting his age to procure intoxicating liquors.

Mr. Stanton moved the previous question.

Motion carried.

The roll was called, and the vote, whereby Assembly Bill No. 246 was passed, reconsidered by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, and Wyatt—56.

NOES—Messrs. Berry and Hans—2.

On motion of Mr. Stetson, Assembly Bill No. 246 was ordered on file for further consideration.

RE-REFERENCE OF BILLS.

On motion of Mr. Hewitt, Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons—was referred to Committee on Public Health and Quarantine.

On motion of Mr. Thompson of Los Angeles, Assembly Bill No. 121—An Act to amend Section 25 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors and the duties and compensation of health officers appointed by such boards—was re-referred to Committee on County and Township Governments.

On motion of Mr. Fratessa, Assembly Bill No. 635—An Act to regulate the keeping of large trees, and to forbid the growing and planting thereof in such places and in such manner as may endanger or damage adjoining property—was recalled from the Committee on Fruit and Vine Interests, and referred to Committee on Judiciary.

Assembly Bill No. 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States Army or Navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other State, or of the United States Army, Navy, Marine Corps, Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 561 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Costar, Cullen, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—62.

NOES—Messrs. Davis and Devlin—2.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed as acting guardian at the Marshall monument at Coloma from October 29, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners, in accordance with the provisions of law).

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 429?"

SENATE AMENDMENTS.

"Amend title by striking out the words "as acting guardian," and the words "during which period there was no regularly appointed guardian, and no salary paid for the same."

Also: Amend Section 1 in line 5 of printed bill, by striking out the words "as acting guardian"; and, also, amend Section 1, lines 7 and 8 of the printed bill, by striking out the words "during which period there was no regularly appointed guardian, and no salary paid for the same."

The roll was called, and Senate amendments to Assembly Bill No. 429 were adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Coghlan, Costar, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Hammon, Hans, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Wyatt—51.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

The question being put: "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 111?"

Amend by striking out of the enacting clause the following: ", to wit."

The roll was called, and Senate amendment to Assembly Bill No. 111 concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cornish, Costar, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, and Wyatt—53.

NOES—None.

Bill ordered to enrollment.

RE-REFERENCE OF BILLS.

On motion of Mr. Stanton, Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities in relation to the State Board of Health—was re-referred to Committee on Judiciary, but to retain its place on file.

THIRD READING OF BILL.

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

During third reading of the bill, Mr. Beckett moved that the Speaker appoint a select committee of one to amend the bill as follows:

On line 2 of Section 2, strike out the word "transport."

Motion carried.

The Speaker appointed Mr. Beckett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 35, with instructions, do now report that the instructions of the Assembly have been carried out.

BECKETT, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

SECOND READING OF BILLS.

Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 128—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants and their compensation.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriations therefor.

During second reading of bill, Mr. Lynch moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bill No. 67 considered.

Mr. Lynch moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriations therefor—and do now report the same back, and recommend that the same do pass.

TRANSUE, Chairman.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 75—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work, and known as children's home finding societies.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting the word "or" after the word "institution," in line 4 of Section 5 on page 2 of printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 379—An Act to add a new section to the Penal Code, to be numbered Section 928*a*, and relating to the powers of grand juries.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "in its discretion," in line 3 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "Superior Judge," on line 6 of Section 1 of the printed bill, and insert in lieu thereof the following: "Judge of the Superior Court."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "juries," on line 11 of Section 1 of the printed bill, and inserting in lieu thereof the word "jury."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "statement," on line 18 of Section 1 of the printed bill, the words "and itemized account."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting after the word "jury," on line 20 of Section 1 of the printed bill, the words "and the Judge of the Superior Court."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting after the word "statement," on line 21 of Section 1 of the printed bill, the words "and account."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 42—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 764—An Act to regulate the practice of horseshoeing.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 409—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes, and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising 28 sections, numbered 2745 to 2772 inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation, and of providing funds for said purposes.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding as follows:

"Section 2. This Act is intended to furnish an alternative method for accomplishing the road improvements provided for therein and does not repeal or modify or abridge

any other Act or Acts having for their object the improvement of roads, streets, and other public highways not within the territory of a municipal corporation."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 448—An Act to add a new section to the Civil Code, to be known and numbered as Section 468*a*, providing for the management of railroad trains in crossing drawbridges.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "dismount" in line 7, of Section 1, of the printed bill, and inserting in lieu thereof the word "alight."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "and," in line 8, of Section 1, of the printed bill, the words "unless said drawbridge is in charge of a watchman."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "employé," in line 11, of Section 1, of the printed bill, the words "or a watchman in charge of said drawbridge."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "or confinement in the State prison for life at the discretion of the jury trying the same," found in lines 4 and 5, of Section 2, of the printed bill, and insert in lieu thereof the following words: "unless the jury in its verdict shall recommend imprisonment, in which case such imprisonment shall be in the State prison for a term of not less than ten years."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of lines 3 and 4, of Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Insert at the beginning of line 5, of Section 1, of the printed bill the figures "224."

Amendment adopted.

AMENDMENT No. 3.

Strike out the word "a" in line 12, of Section 1, of the printed bill, and insert in lieu thereof the word "the."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 551—An Act entitled "An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education, regarding fraternities in public schools.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "Subdivision 1," after 1893 on line 4, first page, printed bill, and insert in lieu thereof the following: "*First*—" (to be printed in italics).

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "and," after the word "social," on line 5, first page, printed bill, and inserting in lieu thereof the following: a comma after the word "social," and the following words after the word "literary": ", and athletics."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word and figure "Subdivision 2," on line 9, first page, printed bill, and inserting in lieu thereof the following: "*Second*—" (to be printed in italics).

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word and figure "Subdivision 3," on line 18, second page, printed bill, and inserting in lieu thereof the following: "*Third*—" (to be printed in italics).

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 542—An Act to amend Section 1771 of the Political Code, relating to duties of county boards of education.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting the words: "The people of the State of California, represented in Senate and Assembly, do enact as follows:" after the title, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the enacting clause the following: "Section 1. Section seventeen hundred and seventy-one of the Political Code is hereby amended to read as follows."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "and the first two years," after the word "class," on line 18, first page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all of lines 23, 51, 53, and 61, second and third pages of printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 252—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 614—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Mr. Drew moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bill No. 614 considered.

Mr. Drew moved that the committee do now rise, and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 614—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County—and do now report the same back, and recommend that it do pass.

TRANSUE, Chairman.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "whenever any money or," on line 1, first page, printed bill, and inserting in lieu thereof the following:

"Section 1. A new section is hereby added to the Political Code, to be designated Section 2181*a*, to read as follows: Whenever any money or personal."

Amendment adopted.

AMENDMENT No. 2.

On line 9, page 1, printed bill, strike out the word "the."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

WITHDRAWAL OF BILL.

Mr. Bush asked for and was granted unanimous consent to withdraw Assembly Bill No. 219—An Act to amend Sections 2153*a* and 2154 of the Political Code of the State of California, relating to the appointment of a dentist in State hospitals for the care and treatment of the insane.

Bill withdrawn and ordered stricken from the file.

RESOLUTION—(OUT OF ORDER).

Unanimous consent having been obtained, the following resolution was offered:

By Mr. Held:

WHEREAS, Various bills calling for appropriations for the Napa State Hospital, the Mendocino State Hospital, and the Home for the Feeble-Minded, have been referred to the Committee on State Hospitals and Asylums; and

WHEREAS, Said committee can not report upon the said bills without an inspection of the various institutions named; and

WHEREAS, It is necessary and advisable that the said committee, and each of the members thereof, visit the above named institutions, in order to intelligently report to this body the necessity for the appropriations asked for in the said bills; be it therefore

Resolved, That the Committee on State Hospitals and Asylums, and each of the persons comprising the membership thereof, be, and they are hereby granted leave of absence to visit the above-named institutions and each thereof, and said leave of absence to extend from and including Friday, February 15, 1907, to and including Sunday, February 17, 1907.

Resolution read, and referred to Committee on Rules and Regulations.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1907.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the following report and resolution:

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was granted leave of absence to visit "such public buildings as they deemed essential," have visited the buildings of the following-named institutions, viz.: The State Normal School at San Diego, the State Polytechnic School at San Luis Obispo, the Custom House and other buildings at Monterey, the State Normal School at San José, and the State Normal School at Los Angeles.

The following members are entitled to mileage for the same, to wit: 1,304 miles for traveling, as follows:

Sacramento to San Diego, 573 miles; San Diego to Los Angeles, 126 miles; Los Angeles to San Francisco, 475 miles; Castroville to Monterey, 40 miles; San Francisco to Sacramento, 90 miles:

Nathan C. Coghlan	$ 130 40
Robson O. Bell	130 40
Mel Vogel	130 40
Guy W. Smith	130 40
W. F. Ludington	130 40
Charles M. Fisher	130 40
Louis Strohl	130 40
E. N Baxter	130 40
S. H. Beckett	130 40
F. H. Hartmann	130 40
P. A. Johnson	130 40
Total	$1,434 40

And your committee asks that the following resolution be adopted:

"*Resolved*, That the Controller be and he hereby is directed to draw his warrant in favor of E. M. Pyle, chairman of said committee, for the sum of $1,434.40, as per above statement; said warrant to be drawn upon the fund for contingent expenses of the Assembly, and that the Treasurer be and he is hereby directed to pay the same."

COGHLAN, Acting Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BARRY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Higgins, Johnson of

Sacramento, Johnson of San Diego, Jury, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Smith, Snyder, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Wyatt—56.

NOES—None.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker pro tem. Transue in the chair.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 496—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, with reference to the appointment of guardians of insane and other incompetent persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State hospitals.

Bill read second time, and ordered to engrossment.

RE-REFERENCE OF BILLS.

On motion of Mr. Thompson of Los Angeles, Assembly Bill No. 121—An Act to amend Section 25 of "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the powers of boards of supervisors, and the duties and compensation of health officers appointed by such boards—was re-referred to Committee on County and Township Governments.

Assembly Bill No. 557—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "county government," on line 1, page 1, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "each supervisor," following the numeral XIII, on line 51, page 3, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "classification of townships," on line 58, page 3, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of line 31, page 2 of printed bill the word "assistances," and inserting in lieu thereof the following: "assistance."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 81, page 3 of printed bill the word "of," after the word "trial," and inserting in lieu thereof the following: "or."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of lines 1 and 2 of the title, printed bill, the words "a bill for."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 632—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 634—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 222—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title so as to read as follows:

"An Act to amend Section 10 of an Act approved March eleventh, eighteen hundred and ninety-seven, entitled 'An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings

thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State,' as amended by an Act approved March twentieth, nineteen hundred and five, providing for the disposition of pension moneys belonging to deceased members."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the enacting clause the following:

"SECTION 1. Section ten of an Act approved March eleventh, eighteen hundred and ninety-seven, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March twentieth, nineteen hundred and five, is hereby amended so as to read as follows."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "dependent," in line 20 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "dependent," in line 22 of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 662—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code, by providing for recording of mortgages of personal property by persons who do not reside in this State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "or," in line 7, of Section 1, of the printed bill, the following: "in any action now or hereafter pending."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "and" where it first occurs in line 18, of Section 1, of the printed bill, the following: "abstracts of."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "title," in line 25, of Section 1, of the printed bill, the words "and of such."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "copies of said notes, records and," in line 31, of Section 1, of the printed bill, and insert in lieu thereof the word "such."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "or of the abstracts," found in lines 31 and 32, of Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the word "and," where it first occurs in line 36, of Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting after the word "notes," in line 36, of Section 1, of the printed bill, the word "and."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the words "and abstracts or of the abstracts," found in lines 36 and 37, of Section 1, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring or setting adrift rafts or vessels.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of lines 4 and 5, of Section 3, of the printed bill, and insert in lieu thereof the following: "breaks or injures any vessel of ten gross tons and upwards, the property of another, is guilty of a misdemeanor."

Amendment adopted.

AMENDMENT No. 2.

Add a new section to read as follows:

SECTION 4. A new section is hereby added to said Code, to be numbered 608*c*, and to read as follows:

608*c*. Every person who wilfully and maliciously sinks or sets adrift any vessel of ten gross tons and upwards, the property of another, is guilty of a felony.

Amendment adopted.

AMENDMENT No. 3.

After the letter "*b*" in the fourth line of the title insert the words, "and six hundred and eight *c*."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 556—An Act to amend the Civil Code by adding thereto a new section, to be numbered 1742, relating to contracts of conditional sale.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 643—An Act to amend an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section, numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 206—An Act compelling railroads doing business in this State as common carriers of passengers and freight to keep, operate and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to keep, operate, and maintain warehouses for the purpose of receiving and discharging freight, in any municipal corporation, incorporated city, or city and county, or incorporated town traversed by the tracks or road of any railroad; also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act.

AMENDMENT No. 1.

Amend by inserting in the title of said bill, after the word "to," on first page, printed bill, the following: "have."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "shall," in Section 1 on line 8, first page, printed bill, the following: "have."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "shall," in Section 1 on line 12, second page, printed bill, the following: "have."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

SPECIAL ORDER SET.

On motion of Mr. Walsh, further consideration of Assembly Bill No. 206 was made a special order for eleven o'clock A. M. of Thursday, February 21, 1907.

Assembly Bill No. 27—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after figure "3," figure "4," on line 7, first page, printed bill.

Amendment adopted.

Mr. McClellan moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bill No. 27 considered.

Mr. McClellan moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 27—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof—and do now report the same back, and recommend that the same do pass as amended.

TRANSUE, Chairman.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 37—An Act recommending to the electors of the State to vote for or against a convention to revise the Constitution of the State of California.

Bill read second time, and ordered to engrossment.

On motion of Mr. Jury, further consideration of Assembly Bill No. 37 was made a special order for two o'clock and thirty minutes P. M. of Thursday, February 21, 1907.

Assembly Bill No. 657—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, line 12, of printed bill, the word "the," where the same appears in the bracketed clause, and in inserting in lieu thereof the following: the word "he."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 36—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 86—An Act to provide for the purchasing of a site and building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same

During the second reading of bill, Mr. Stanton moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bill No. 86 considered.

Mr. Stanton moved that the committee do now rise and report the bill back without recommendation.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 86—An Act to provide for the purchasing of a site and building, equipping, and furnishing an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same—and do now report the same back without recommendation.

TRANSUE, Chairman.

Bill read second time, and ordered to engrossment.

CONSIDERATION OF SENATE BILLS.

Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor, and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1894, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "reputable," in line 8, of Section 1, of the printed bill, and insert in lieu thereof the word "responsible."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting the word "guaranteed," after the word "title," in line 8, of Section 1, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 177—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the word "wife," where it first occurs in line 7, of Section 1, of the printed bill, these words: "or when the husband willfully fails to provide for the wife."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 88—An Act to amend Section 270 of the Penal Code and to add two new sections thereto, to be numbered 270*a* and 270*b*, relating to the neglect and abandonment of minor children by parents,

and neglect and abandonment of wives by husbands, and providing the punishment therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a justice of a District Court of Appeal.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State" (approved March 10, 1887), by including, within the provisions of said Act, the badge or button of the United Spanish War Veterans in this State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI, of Title IV of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State militia.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to the meetings of the State Board of Health.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979*a*, relating to duties of the State Board of Health.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 142—An Act to amend Section 2979*a* of the Political Code of the State of California, relating to the preservation of the public health.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 455—An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products; to establish standards of quality in dairy products, and to provide for enforcing its provision.

During second reading of bill, the following amendment was submitted by Mr. Johnson of Sacramento:

Amend by inserting after the word "days," line 6, Section 4 of printed bill, the following: "*provided*, that no conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed for identification, and one of such samples left with the person accused."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting a comma after the word "district," on line 4; also, after the word "district," on line 9, first page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate courses of instruction in the public schools.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the letter "e" in the word grammer, line 4 in title, and insert the letter "a"; also, strike out the final "s" in word "courses," line 5 of title.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "instruction" after the word "of," line 5 of title, first page, printed bill, and inserting in lieu thereof the following word: "study."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "section," on line 4, first page, printed bill,

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "district" on line 6, first page, printed bill, the following: "having two or more teachers."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "grammer" after the letter "a" on line 6, first page, printed bill, and inserting in lieu thereof the following: "grammar."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecution under this Act may be commenced.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend Section 1, line 4, by inserting after the word "representing," "with intent to deceive."

Amendment adopted.

AMENDMENT No. 2.

In line 4, Section 2, after the word "dollars," insert the following: "or by imprisonment in the county jail for not less than twenty days or more than six months, or by both fine and imprisonment."

Amendment adopted.

AMENDMENT No. 3.

Amend Section 3, line 2, by striking out the word "five," and inserting in lieu thereof the word "seven."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

During second reading of the bill, Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Senate Bill No. 9 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 9, and do now report the same back, and recommend that the same do pass.

TRANSUE, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two-thirds of the electors of such municipality.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of "Law Library Fund."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "or," in line 10, of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the period after the word "mule," in line 10, of Section 1 of the printed bill, and inserting in lieu thereof a comma, and adding the words "jack or jenny."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490*a*, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks in police courts in cities of the first and one-half class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 10—An Act appropriating the sum of eight thousand dollars for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

During second reading of bill, Mr. Costar moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Senate Bill No. 10 considered.

Mr. Costar moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 10—An Act appropriating the sum of eight thousand dollars for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school—and do now report the same back and recommend that the same do pass.

TRANSUE, Chairman.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of the municipalities of the sixth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.

During second reading of bill, Mr. Higgins moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Senate Bill No. 50 considered.

Mr. Higgins moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 50, and do now report the same back, with amendments, and recommend that the same do pass as amended.

TRANSUE, Chairman.

Bill read second time, and ordered on file for third reading.

SECOND READING OF BILLS.

Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 606—An Act to repeal Article XIII of Chapter III of the Political Code, relating to State Geologist.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the words "Chapter III" on line 1, Section 1, first page, printed bill, the following: "of Title I."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the words "Chapter III" on line 2 of title of bill, first page, printed bill, the following: "of Title I."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 607—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461 thereof, both relating to the General Fund.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 608—An Act to add a new section to the Political Code, to be known as Section 4653*a* thereof, relating to donations to the State.

Amendment adopted.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 474—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "savings" on line 7, section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "savings," on line 10, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "savings banks or," on line 16, Section 1, second page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "and that the entire estate so," on line 17, all of line 18, and the words "posits, does not exceed the sum of one hundred dollars," on line 19, all in Section 1, second page, printed bill.

Amendment adopted.

AMENDMENT No 5.

Amend by striking out the word "savings," at end of line 4 of the title, first page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "receiving," on line 3, Section 2, second page, printed bill, and inserting in lieu thereof the following: "the issuance of."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "interests," on line 3, Section 3, second page, printed bill, the following: "or interests."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "testimony," on line 13, Section 3, second page, printed bill, the following: a comma and the words "if it is possible to obtain the same."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "in such case," on line 17, and all of lines 18, 19, and 20, Section 5, fourth page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out all of Section 6, on lines 1 to 24 inclusive, fourth page, printed bill, and renumbering the remaining sections of the bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "fifteen hundred and forty-four," on line 5 of title to bill, first page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of property of deceased persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Bill read second time, and ordered to engrossment.

SPECIAL ORDER RESET.

On motion of Mr. Johnson of Sacramento, the special order heretofore set for consideration at two o'clock of this day, namely, Assembly Constitutional Amendment No. 1, amending Constitution relative to rights of suffrage, was reset for two o'clock P. M. of Tuesday, February 19, 1907.

THIRD READING OF BILLS.

Assembly Bill No. 507—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Bill passed on file to be taken up for consideration Friday, February 15, 1907.

Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 370 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, and Wyatt—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 237 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt Higgins, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wilson, and Wyatt—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 562 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Birdsall, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacra-

mento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, and Wyatt—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF ASSEMBLY BILL NO. 437.

Mr. Spaulding asked for and was granted unanimous consent to withdraw Assembly Bill No. 437—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced—it being identical with Senate Bill No. 7, now in this House.

Assembly Bill No. 437 withdrawn, and ordered stricken from the file.

Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 461 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, and Wyatt—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof.

Passed on file, to retain its place.

WITHDRAWAL OF BILL.

Mr. Forbes asked for and was granted unanimous consent to withdraw Assembly Bill No. 519—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 354—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 354 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Boyle, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Devlin, Drew, Estudillo, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lynch, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, and Wyatt—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

During the third reading of the bill, Mr. Hammon moved that the Speaker appoint a select committee of one to amend the bill as follows:

By inserting after the word "appeal," on line 6 of Section 1 of the engrossed bill as follows: "of the."

Motion carried.

The Speaker appointed Mr. Hammon as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 69, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMMON, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 63—An Act to provide for the erection of horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Bill passed to foot of file.

SECOND READING OF BILLS.

Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read second time.

Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Bill read second time.

Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read second time.

Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Bill read second time.

Mr. Estudillo moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 295, 294, 235 and 62.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bills Nos. 295, 294, 235, and 62 considered.

Mr. Estudillo moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 295.

Also: Assembly Bill No. 294.

Also: Assembly Bill No. 235.

Also: Assembly Bill No. 62.

And do now report the same back, and recommend that the same do pass.

TRANSUE, Chairman.

Bills ordered to engrossment.

Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "along the property of the Stockton State Hospital, in the City of Stockton," on lines 6 and 7, first page, printed bill, and inserting in lieu thereof the following: "and Park street, along the property of the Stockton State Hospital, in the City of Stockton, and on the grounds of said State hospital."

Amendment adopted.

Mr. Estudillo moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bill No. 296 considered.

Mr. Estudillo moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee on the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 296, and do now report the same back, with amendments, and recommend that the same do pass as amended.

TRANSUE, Chairman.

Bill read second time, and ordered to reprint and engrossment.

WITHDRAWAL OF ASSEMBLY BILL NO. 426.

Mr. Wyatt asked for and was granted unanimous consent to withdraw Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit—it being identical with Senate Bill No. 50, now in this House.

Assembly Bill No. 426 withdrawn, and ordered stricken from the file.

Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Bill read second time.

Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

Bill read second time.

Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Bill read second time.

Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Bill read second time.

Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Bill read second time.

Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of Justices of the Supreme Court for the current fiscal year.

Bill read second time.

Assembly Bill No. 644—An Act making an appropriation of $4,000, to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of landing place at Monterey of Junipera Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Bill read second time.

Mr. Estudillo moved that the Assembly resolve itself into the Committee of the Whole, for the purpose of considering Assembly Bills Nos. 64, 12, 43, 153, 154, 155, and 644.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bills Nos. 64, 12, 43, 153, 154, 155, and 644 considered.

Mr. Estudillo moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 64.
Also: Assembly Bill No. 12.
Also: Assembly Bill No. 43.
Also: Assembly Bill No. 153.
Also: Assembly Bill No. 154.
Also: Assembly Bill No. 155.
Also: Assembly Bill No. 644.
And do now report the same back, and recommend that the same do pass.

TRANSUE, Chairman.

Bills ordered to engrossment.

Assembly Bill No. 794 (Committee Substitute for Assembly Bills Nos. 147 and 465)—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by adding on line 37, Section 37, sixth page, printed bill, the following: "Opposite the name of each candidate printed on the ballot, and on the same line, shall be printed a square not less than one-quarter nor more than one-half inch in length on each side, in which the voter may stamp a cross indicating his choice as to candidates."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding between lines 9 and 10, Section 13, sixth page, printed bill, the following: Beginning not less than one-half an inch, but less than one inch below the designating words shall be printed the following instruction to voters: "Stamp a cross in the square opposite the name of the candidate for whom you wish to vote."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "name of candidate" on line 24, Section 13, sixth page, printed bill, and inserting in lieu thereof the following: "names of candidates."

Amendment adopted.

AMENDMENT No. 4.

Amend by adding on line 7, Section 3, second page, printed bill, after the figures "300," the words "of whom."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "subdivisions," on line 7, Section 5, second page, printed bill, and inserting in lieu thereof the following: "subdivision."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the word "respect," on line 7, Section 7, third page, printed bill, and inserting in lieu thereof the following: "respects."

Amendment adopted.

AMENDMENT No. 7.

Amend by adding a comma after the word "specified," on line 14, third page, printed bill.

Amendment adopted.

AMENDMENT No. 8.

Amend by inserting in parenthesis, line 9, Section 9, fifth page, printed bill, all of line 11, to and including the word "folded."

Amendment adopted.

AMENDMENT No. 9.

Amend by adding the word "the" on line 2, Section 12, fifth page, printed bill, after the word "of."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the word "should," on line 22, Section 27, twelfth page, printed bill, and inserting in lieu thereof the following: "shall."

Amendment adopted.

AMENDMENT No. 11.

Amend by adding on line 9, Section 28, page 12, printed bill, after the word "candidate," the words "of such party."

Amendment adopted.

AMENDMENT No. 12.

Amend by striking out the word "of" on line 19, Section 32, thirteenth page, printed bill, and inserting in lieu thereof the following: "or."

Amendment adopted.

AMENDMENT No. 13.

Amend by striking out the words "preparation, distributing," on lines 5 and 6, Section 37, fourteenth page, printed bill, and inserting in lieu thereof the following: "preparation, distribution."

Amendment adopted.

AMENDMENT No. 14.

Amend by adding on line 1, Section 39, page 14, printed bill, after the word "localities," the word "parties."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

THIRD READING OF BILLS.

Senate Bill No. 427—An Act to declare the highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road, a State highway.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 427 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, and Wyatt—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 44—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 44 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Wyatt—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 37—An Act making an appropriation for the erection of a monument in the State Burial Plot, at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, and Wyatt—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 20—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 20 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Birdsall, Boyle, Bush, Campbell, Chandler, Coghlan, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Wyatt—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read, unanimous consent therefor being given:

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the term of existence of corporations.

Also: Assembly Bill No. 837—An Act to add a new section to the Political Code, to be known as Section 560, relating to the amount of capital stock necessary to be paid up before a corporation may be permitted to act as executor, administrator, guardian, assignee, receiver, depositary or trustee.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WALSH, Chairman.

The above reported bills ordered on file for second reading.

BILLS RECALLED AND RE-REFERRED.

Mr. McClellan moved that Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations—and Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators—be recalled from the Committee on Commerce and Navigation and re-referred to the Committee on Ways and Means.

Motion carried, and such were the orders.

ADJOURNMENT.

At four o'clock and thirty-two minutes P. M., on motion of Mr. Root, the Speaker pro tem. declared the Assembly adjourned until ten o'clock A. M. of Thursday, February 14, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 14, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—65.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for this day: Messrs. Sackett, Beckett, and Coghlan, and Mr. Cornish until midday.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Wilson, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Assembly Bill No. 441—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903, by providing a penalty for the violation thereof.

Also: Have examined and found the following bills correctly engrossed:

Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Assembly Bill No. 128—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.

Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold Farmers' Institutes, and making appropriations therefor.

Assembly Bill No. 75—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Assembly Bill No. 42—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Assembly Bill No. 764—An Act to regulate the practice of shoeing horses, mules, and other animals in the State of California, and to require all farriers to pass an examination as to their proficiency on the following subjects: Anatomy of the feet of horses and mules, the making and fitting of shoes to the feet of horses and mules, in preparing the feet of horses and mules for shoes, and putting shoes on horses and mules, in driving nails in the feet of horses and mules, and in doing such other things as will advance the science of shoeing horses and mules to the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.

Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalities for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Assembly Bill No. 409—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes, and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

Assembly Bill No. 551—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Assembly Bill No. 252—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Assembly Bill No. 614—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

HANS, Chairman.

The above reported reëngrossed bills were ordered on file for passage.
The above reported engrossed bills were ordered on file for third reading.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Universities, to whom was referred Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESHLEMAN, Chairman.

Senate Bill No. 8 ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 411—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto and taxation thereof.

Also: Assembly Bill No. 791—An Act to add a new section to the Political Code, to be numbered 1617*a*, requiring that the United States flag shall be hoisted on all public school houses and displayed in each school room.

Also: Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.

Also: Assembly Bill No. 719—An Act to amend Section 443 of the Political Code, relating to the distribution of school funds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Have had under consideration Assembly Bill No. 783—An Act to establish a State training high school near or on the grounds of the University of California at Berkeley, in the County of Alameda, and making an appropriation therefor—and respectfully report the same back, and recommend that it do pass, but first be referred to Committee on Ways and Means.

Also: Have had under consideration Assembly Bill No. 600—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts, and the apportionment of moneys thereto—and respectfully report the same back, and recommend that it do not pass.

SACKETT, Chairman.

The above reported bills, with the exception of Assembly Bill No. 783, ordered on file for second reading.

Assembly Bill No. 783 referred to Committee on Ways and Means.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Also: Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Assembly Bill No. 2—An Act to pay the claim of H. M. Sitton and to make an appropriation therefor, for the sum of one thousand eight hundred and fifty-six dollars and seventy-eight cents ($1856.78), on bond of State of California, number 592, issued July 9, 1858.

Also: Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 230—An Act making an appropriation of one thousand dollars ($1,000) to pay the claim of Edward W. Lehner against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CULLEN, Chairman.

The above reported bills referred to Committee on Ways and Means.

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BIRDSALL, Chairman.

Senate Bill No. 494 ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 39—An Act to amend Section 1444 of the Code of Civil Procedure, and relating to the appraisement of estates of deceased persons—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 247—An Act regulating the loan of money, when as security for such loan a lien is taken upon household furniture and effects, musical instruments, typewriters, and sewing machines, or upon any other personal property—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of California, relating to mileage of members of the Legislature—with four amendments, and recommend its passage as amended.

Also: Assembly Bill No. 132—An Act to amend the Civil Code of the State of California, by adding thereto a new section to be known as Section 230, relating to the adoption of children—and recommend its passage.

Also: Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section to be numbered 8*a*—with two amendments, and recommend its passage as amended.

Also: Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 767—An Act to amend the Penal Code of California by adding thereto a new section to be numbered 462, relating to burglary with explosives, and the punishment thereof—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 693—An Act to amend Section 2165*a* of the Political Code of the State of California, relating to actions and suits on account of acts and commissions in the discharge of official duty—and recommend that it do not pass.

Also: Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905—and recommend that it do pass.

Also: Assembly Bill No. 445—An Act to amend Sections 319, 320, 321, 322, 323, 324, 325, and 326 of the Penal Code of the State of California—with six amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities—with three amendments, and recommend its passage as amended.

Also: Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751¾, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks—and recommend its passage.

Also: Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901—and recommend its passage.

Also: Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections—and recommend that it be referred to Committee on Election Laws.

Also: Assembly Bill No. 568—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different management—and recommend that it be referred to Committee on Corporations.

JOHNSON of Sacramento, Chairman.

Senate Bill No. 506 referred to Committee on Election Laws.

Assembly Bill No. 568 referred to Committee on Corporations.

The above other reported bills ordered on their respective files for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State within which primary elections shall be obligatory and mandatory.

Also: Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also: Have had under consideration Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903—and respectfully report the same back, and recommend that it do pass.

STETSON, Chairman.

The above reported bills ordered on their respective files for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 5—A resolution to propose to the people of the State of California a constitutional amendment, amending Article IV, Section 18, of the Constitution of the State of California, by including the presiding justices and justices of the District Courts of Appeal in the list of State officials liable to impeachment for misdemeanor in office—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

Also: Have had under consideration Senate Constitutional Amendment No 22—Relative to the exemption from taxation of all the buildings used solely and exclusively for the accommodation, support and maintenance of minor orphans, or half orphans or abandoned children, and so much of the real property on which said buildings are situated as may be required for the convenience, use and occupation thereof—and respectfully report the same back, and recommend that it be not adopted.

WESKE, Chairman.

The above reported constitutional amendments ordered on file for adoption.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution:

WHEREAS, Various bills calling for appropriations for the Napa State Hospital, the Mendocino State Hospital, and the Home for the Feeble-Minded, have been referred to the Committee on State Hospitals and Asylums; and

WHEREAS, Said committees can not report upon the said bills without an inspection of the various institutions named; and

WHEREAS, It is necessary and advisable that the said committee, and each of the members thereof, visit the above named institutions, in order to intelligently report to this body the necessity for the appropriations asked for in the said bills; be it therefore

Resolved, That the Committee on State Hospitals and Asylums, and each of the persons comprising the membership thereof, be, and they are hereby granted leave of

absence to visit the above-named institutions and each thereof, and said leave of absence to extend from and including Friday, February 15, 1907, to and including Sunday, February 17, 1907.

Have had the same under consideration and respectfully report that said leave of absence can be granted to said committee without interfering with the business of the House.

LEEDS, Chairman.

Report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cullen, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—Messrs. Davis and Devlin—2.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 31—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Have had under consideration Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm water drains within municipalities—and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

The above reported bills ordered on their respective files for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 702—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

BUSH, Chairman.

Assembly Bill No. 702 ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Also: Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe Wagon Road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.

Also: Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Also: Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars ($3,000) for the purpose of improving the grounds of Sutter's Fort.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Have had under consideration Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Also: Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Also: Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the John Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Also: Assembly Bill No. 624—An Act making an appropriation of five hundred dollars ($500) for the purpose of repairing and preserving the John Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Also: Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Also: Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code as it now exists, and to reënact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Also: Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Also: Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Also: Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars ($600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

And respectfully report the same back, and recommend that they do pass.

Also: Have had under consideration Assembly Bill No. 539—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor—and respectfully report the same back, with recomendation that it do not pass.

ESTUDILLO, Chairman.

The above reported bills ordered on their respective files for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigations—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

COGHLAN, Chairman.

Senate Bill No. 58 referred to Committee on Ways and Means.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

MR. SPEAKER: Your Committee on Fish and Game beg leave to report that it has visited the State Hatchery at Sisson and Ukiah, as per resolution heretofore introduced and adopted, and the following are entitled to mileage for same, to wit:

N. A. Cornish	840	miles	$84 00
John W. McClellan	840	"	84 00
P. V. Hammon	840	"	84 00
T. J. T. Berry	300	"	30 00
P. A. Stanton	540	"	54 00
Louis Strobl	540	"	54 00
W. D. L. Held	540	"	54 00
W. F. Ludington	540	"	54 00
W. F. Lemon	540	"	54 00
Frank J. O'Brien	540	"	54 00
E. S. Birdsall	540	"	54 00
W. R. Leeds	540	"	54 00
J. T. Stafford	540	"	54 00
			$768 00

Resolved, That the State Controller is hereby authorized to draw his warrant for seven hundred and sixty-eight ($768) dollars in favor of N. A. Cornish, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, with the correction that the name of Dennis W. Barry be substituted for the name of T. J. T. Berry, and recommend the same be adopted as amended.

BERRY, Chairman.

Report and resolution read.

Mr. Stanton moved that his name be stricken from the list as being entitled to mileage.

The motion was lost.

The roll was called, and the report and resolution as amended by the committee adopted by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Collister, Cullen, Cutten, Devlin, Drew, Eshleman, Forbes, Fratessa, Hammon, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—Mr. Davis—1.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON INVESTIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your special committee appointed to investigate and ascertain who was responsible for an article published in the Willows Journal, over the signature of Hon. F. H. Smyth, severely reflecting upon the alleged conduct of certain members of this body at the funeral of the late Hon. J. J. Burke, which article was copied in the Sacramento Bee and other papers, respectfully report:

That we have carefully considered all of the evidence bearing upon this subject which we have been able to procure and find therefrom:

That the portion of said article referring to the alleged conduct of members of this body at the funeral of Hon. J. J. Burke was not written or authorized by Mr. Smyth but was interpolated, without his knowledge or authority, in an article, otherwise unobjectionable, which he had dictated to one J. T. Merrill, who on the occasion acted as his amanuensis.

That said Mr. Smyth caused said article to be signed by his secretary and mailed to the Willows Journal in ignorance of the interpolation therein made by said Merrill.

That your committee has offered every facility, and used all means in its power, to procure said Merrill to appear before it and explain his share in the transaction, but he has persistently refused to furnish any information.

That Hon. F. H. Smyth is in no wise responsible for the portion of the article charging misconduct by members of this body at the funeral of Hon. J. J. Burke and should be exonerated from all blame therefor.

Your committee respectfully recommend that no further action be taken in the matter.

Respectfully submitted.

WYATT, Chairman.
DAVIS.
PYLE.

Report read and, on motion, adopted, and committee discharged.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof—have had the same under consideration, and respectfully report the same back, without recommendation.

DREW, Chairman.

Assembly Bill No. 340 ordered on file for second reading.

ON LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Levees and River Improvements, to whom was referred Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BUTLER, Chairman.

Assembly Bill No. 549 ordered on file for second reading.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Resolved, That Senate Bill No. 236, returned to the Senate on February 8, 1907, by the Assembly, with the recommendation that the author withdraw the same, be returned to the Assembly with the request that its committee to whom said bill was referred take such action thereon as can be acted upon by the Assembly.

In accordance with the above resolution Senate Bill No. 236 is herewith returned to your honorable body.

Also, that the Senate on this day passed the following:

Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Also, that the Senate amended on this day and passed the following as amended:

Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges—and respectfully request your honorable body to concur in the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 236 re-referred to Committee on State Hospitals and Asylums.

Senate Bill No. 480 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 565 read first time, and referred to Committee on County and Township Governments.

Mr. Johnson of Sacramento moved that the consideration of Assembly Bill No. 11, as amended by the Senate, be now proceeded with, and that the amendments by the Senate be acted upon separately.

Motion carried.

SENATE AMENDMENTS.

Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 11?"

SENATE AMENDMENT No. 1.

Amend by striking out of Section 1, line 7, the words "Santa Clara."

The roll was called, and the above Senate amendment No. 1 to Assembly Bill No. 11 was concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Collister, Cornish, Costar, Davis, Estudillo, Finney, Fisher, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—Messrs. Bush, Campbell, Cogswell, Cutten, Devlin, Drew, Eshleman, Forbes, Held, Otis, and Strobridge—11.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 11?"

SENATE AMENDMENT NO. 2.

On page 1, Section 1, line 6, strike out the words "Los Angeles," and insert in lieu thereof the following: "Santa Clara."

The roll was called, and the above Senate amendment to Assembly Bill No. 11 was concurred in by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Collister, Costar, Cullen, Davis, Estudillo, Fisher, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—Messrs. Forbes, Held, Otis, and Strobridge—4.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 11?"

SENATE AMENDMENT NO. 3.

On page 1, Section 1, line 11, strike out the words "Contra Costa," and insert in lieu thereof the following: "Mariposa, Ventura, Mono."

The roll was called, and the above Senate amendment to Assembly Bill No. 11 was concurred in by the following vote:

AYES—Messrs Barry, Baxter, Beban, Bell, Berry, Birdsall, Boyle, Butler, Case, Chandler, Collister, Cornish, Cullen, Cutten, Devlin, Drew, Estudillo, Fratessa, Hammon, Hartmann, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Vogel, Walsh, Wessling, Whitmore, Wilson, and Wyatt—50.

NOES—Messrs Bush, Campbell, Cogswell, Costar, Davis, Eshleman, Finney, Held, Hewitt, Lucas, McConnell, McKeon, Otis, Strobridge, Weske, and Mr. Speaker—16.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 11?"

SENATE AMENDMENT NO. 4.

On page 1, Section 1, line 4, insert after San Francisco the words "and the county of Los Angeles."

The roll was called, and the above Senate amendment to Assembly Bill No. 11 was concurred in by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McMullin, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Messrs. Bush, Davis, Devlin, Eshleman, Forbes, Lucas, Lynch, McKeon, Otis, and Strobridge—10.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 11?"

SENATE AMENDMENT NO. 5.

On page 1, Section 1, line 5, insert after the word "Alameda," the words "Contra Costa."

The roll was called, and the Assembly refused to concur in the above Senate amendment to Assembly Bill No. 11 by the following vote:

AYES—Messrs. Hewitt, Higgins, Johnson of Sacramento, Root, Spaulding, Stanton, Vogel, Walsh, and Wessling—9.

NOES—Messrs. Barry, Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, John, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, Otis, Percival, Pyle, Sackett, Strohl, Thompson of Los Angeles, Weske, Whitmore, Wilson, and Mr. Speaker—46.

Mr. Johnson of Sacramento moved that the Chief Clerk notify the Senate that the Assembly on this day respectfully refused to concur in Senate Amendment No. 5 to Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges—and requests that the Senate recede therefrom, and that in case of non-receding the Assembly has appointed Messrs. Johnson, Campbell, and Cutten as a committee of conference on behalf of the Assembly to meet a like committee from the Senate.

Motion carried, and such was the order.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 85—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.

Also, that the Senate on this day adopted the following: Assembly Concurrent Resolution No. 17—Relative to Washington's birthday exercises.

Also, that the following Senators have this day been named on the joint committee provided for in Assembly Concurrent Resolution No. 17: Hon. C. M. Belshaw, Hon. W. H. Savage, and Hon. G. W. Cartwright.

LEWIS A. HILBORN Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Concurrent Resolution No. 17 ordered to enrollment.

APPOINTMENT OF JOINT COMMITTEEMEN.

The Speaker announced the appointment of the following committee:

Joint Committee of Washington Birthday Exercises—Messrs. Drew, McConnell, and Bishop.

The Chief Clerk was directed to notify the Senate of the above Assembly appointment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly reëngrossed:

Assembly Bill No. 366—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, 11, and 12 thereof.

Assembly Bill No. 244—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Assembly Bill No. 241—An Act to amend an act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish

persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval, March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9.

Assembly Bill No. 440—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17, of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.

Also: Have examined and found the following bills correctly engrossed:

Assembly Bill No. 395—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles and other articles; providing for the collection thereof and making the violations of this Act a misdemeanor.

Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital and to appropriate money therefor.

Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Assembly Bill No. 644—An Act making an appropriation of $4,000 to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old Mission at Sonoma, or Fort Ross property, of the landing place at Monterey of Junipero Serra, and the Old Theater property at Monterey, and providing for the preservation, maintenance, protection and improvement of said properties," approved February 21, 1905.

Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of justices of the Supreme Court for the current fiscal year.

Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Assembly Bill No. 86—An Act to provide for the purchasing of a site and building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the City of Los Angeles, and to make appropriation for the same.

Assembly Bill No. 36—An Act to amend Section 595 of the Political Code, relating to the general duties of insurance commissioner.

Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Assembly Bill No. 37—An Act recommending to the electors of the State to vote for or against a convention to revise the Constitution of the State of California.

Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair or operation of any public work, improvement, or utility.

Assembly Bill No. 643—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section numbered five and one half, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law February 25, 1901, by amending Section 2 thereof, and by adding a new section thereto, validating bonds heretofore issued for wharf purposes.

Assembly Bill No. 556—An Act to amend the Civil Code by adding thereto a new section, to be numbered 1742, relating to contracts of conditional sale.

HANS, Chairman.

The above reported reëngrossed bills ordered on file for passage.

The above reported engrossed bills ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Committee on Building and Loan Associations: Assembly Bill No. 844 (Committee Substitute for Assembly Bills Nos. 108, 588, and 652)—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Bill read first time, and ordered on file for second reading.

By Mr. Held: Assembly Bill No. 845—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 848—An Act to amend Section 13 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 849—An Act to amend Section 18 of the Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, the Act known as "The County Government Act."

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients, to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Lynch: Assembly Bill No. 851—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Lynch (by request): Assembly Bill No. 852—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Barry: Assembly Bill No. 853—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bishop: Assembly Bill No. 854—An Act to amend Section 102 of the Civil Code of the State of California, relating to desertion in connection with actions for divorce.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Pierce: Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Jury (by request): Assembly Bill No. 856—An Act to amend Section 3627 of the Political Code of the State of California, relating to the taxation and assessment of property.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Whitmore (by request): Assembly Bill No. 857—An Act to appropriate money for the payment of the claim of Dr. Arthur Marten against the State of California, for damages for wrongs and injuries inflicted upon him by the negligence of the State of California, and directing the payment thereof, and dismissing all litigation against the State and all State institutions and officials arising out of or connected therewith, now pending in any of the courts.

Bill read first time, and referred to Committee on Claims.

By Mr. Kelly: Assembly Bill No. 858—An Act to repeal an Act entitled "An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Napa County," approved March 18, 1905.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Leeds: Assembly Bill No. 859—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cogswell: Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code, and to add a new section to said code, to be numbered Section 590*a*, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts, or stones, or guide posts on or near highways; to the punishment thereof, and to the disposition of fines collected therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bush: Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. John: Assembly Bill No. 862—An Act to authorize suits against the State of California concerning certain real property, and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 863—An Act to protect the occupants of automobiles, or other self-propelled vehicles, other than those operating or traveling on rails, from injury by prohibiting the use of such vehicles if not equipped with safety devices.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stetson: Assembly Bill No. 864—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115*a*, requiring the county clerks. and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Bill read first time, and referred to Committee on Election Laws.

MOTION AND RE-REFERENCE OF BILL.

Mr. Cogswell moved that Assembly Bill No. 321—An Act making an appropriation of $3,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same—be referred to Committee on Ways and Means.

Motion carried, and such was the order.

RESOLUTION.

The following resolution was offered:

By Mr. Estudillo:

Resolved, That the original vouchers *in re* the account of Mr. Frank Higgins for services rendered in the extradition of one George D Collins, now a part of the original minutes of this body, and a part of the Journal of Friday, February 8, 1907, be returned to the Ways and Means Committee after the Engrossing and Enrolling Clerk shall have made true and correct copies of said vouchers and certified to the same; and be it further

Resolved, That the Minute Clerk is hereby authorized and directed to replace in the original minutes of said February 8th the said original vouchers with the certified copy thereof, and the Engrossing Clerk directed to furnish the Minute Clerk with such copy.

Resolution read and, on motion, adopted.

SPECIAL ORDER RESET.

On motion of Mr. Johnson of Sacramento, the consideration of Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure—heretofore set for Friday, February 15, 1907, was reset as a special order for ten o'clock and thirty minutes A. M. of Tuesday, February 19, 1907.

RECESS.

At twelve o'clock and twenty-eight minutes P. M., on motion of Mr. Davis, the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

Assembly Constitutional Amendment No. 3—Amending Constitution relative to primary elections.

On motion of Mr. Held, Assembly Constitutional Amendment No. 3 was taken up as unfinished business.

RESOLUTION.

Mr. Held offered the following resolution relative thereto:

WHEREAS, On January 29, 1907, the Assembly adopted Assembly Constitutional Amendment No. 3; and

WHEREAS, Said Assembly Constitutional Amendment No. 3 was amended in the Senate and by the Senate adopted on February 7, 1907, as amended; and

WHEREAS, The Assembly on February 11, 1907, did refuse to concur in the said Senate amendment to Assembly Constitutional Amendment No. 3; now, therefore, be it

Resolved, And it is hereby resolved, that the Senate be respectfully requested to recede from said Senate amendment to said Assembly Constitutional Amendment No. 3, and that in case of non-receding the Assembly appoint three members of the Assembly as a committee of conference on behalf of the Assembly to meet a like committee from the Senate.

Resolution read, adopted, and ordered transmitted to the Senate.

SPECIAL ORDER RESET.

On motion of Mr. Eshleman, the further consideration of the special order heretofore set for eleven o'clock A. M. of Monday, February 18, 1907, namely: Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337*a*, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running, race between horses, mares, or geldings, and providing the punishment for the violation thereof—was reset for consideration for eleven o'clock A. M. of Tuesday, February 19, 1907.

LEAVE OF ABSENCE.

Mr. Stanton asked for and was granted leave of absence from five o'clock P. M. of this day until Tuesday, February 19, 1907.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

Bill read third time on a previous day.

MOTION.

On motion of Mr. Stanton, a vote was to be taken at or before four o'clock and forty-five minutes P. M., and the intervening time divided equally between the proponents and the opponents of the bill for the discussion of the proposed measure.

Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend Assembly Bill No. 159 by striking out the words "its passage," on line 2, second page, printed bill, and inserting in lieu thereof the following: "the question of annexation has been submitted to a vote of the qualified electors of the territory sought to be annexed to Kings County, at an election called therefor by the Board of Supervisors of Fresno County, and the said Board of Supervisors of Fresno County are hereby authorized, directed, and empowered to call said election within thirty days from and after this Act becomes a law, under the general laws of this State, and if three fourths of the people of said territory shall vote in favor of said annexation, this Act shall then take effect."

LEAVE OF ABSENCE.

At three o'clock P. M. Mr. Finney asked for and was granted leave of absence for the remainder of the day, on account of sickness.

The previous motion to appoint a select committee to amend was renewed.

The roll call was demanded.

The roll was called, and the motion to appoint lost by the following vote:

AYES—Messrs. Beban, Campbell, Case, Chandler, Cogswell, Costar, Davis, Drew, Fratessa, Hans, Held, John, McClellan, McKeon, Otis, Pyle, Snyder, Thompson of San Francisco, Thompson of Los Angeles, and Wessling—20.

NOES—Messrs Barry, Baxter, Berry, Birdsall, Boyle, Butler, Collister, Cornish, Cullen, Cutten, Devlin, Eshleman, Estudillo, Fisher, Forbes, Hartmann, Hewitt, Higgins, Johnson of Sacramento. Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McMullin, O'Brien, Percival, Pierce, Root, Sackett, Spaulding, Stetson, Strohl, Strobridge, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 159 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Boyle, Butler, Collister, Cornish, Cullen, Eshleman, Estudillo, Fisher, Forbes, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, McConnell, McGuire, McMullin, O'Brien, Percival, Pierce, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, and Wyatt—49.

NOES—Messrs. Bishop, Campbell, Case, Chandler, Cogswell, Costar, Cutten, Davis, Devlin, Drew, Fratessa, Held, Lynch, McClellan, McKeon, Otis, Pyle, Snyder, Thompson of Los Angeles, Vogel, Wessling, and Mr. Speaker—22.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Wyatt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 159 was this day passed.

SPECIAL ORDERS SET.

On motion of Mr. Percival: Assembly Bill No. 99—An Act to repeal Section 1036 of the Code of Civil Procedure, relating to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California, and by foreign corporations—was made a special order for two o'clock P. M. of Wednesday, February 19, 1907.

Also: Assembly Bill No. 138—An Act to add a new article to Part III, Title IV, Chapter II of the Political Code, designated Article IX, comprising 28 sections, numbered 2745 to 2772 inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation, and of providing funds for said purposes—made a special order, to immediately follow the above special order.

RECESS.

At five o'clock P. M., on motion of Mr. Transue, the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

The roll was called, and the following members answered to their names:

Messrs Barry, Beban, Bishop, Boyle, Butler, Cogswell, Cullen, Cutten, Davis, Devlin, Eshleman, Fisher, Forbes, Fratessa, Hewitt, Johnson of Sacramento, Johnson of San

Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—41.

Quorum present.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced and referred as indicated (unanimous consent having been obtained for their reception):

By Mr. Eshleman: Assembly Bill No. 865—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Cutten: Assembly Constitutional Amendment No. 22—Resolution to amend Section 17 of Article VI of the Constitution of the State of California.

Assembly Constitutional Amendment No. 22 referred to Committee on Constitutional Amendments.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered (unanimous consent having been obtained for its reception):

By Mr. Kelly:

WHEREAS, It is a matter of common knowledge that, during the month of April, 1906, in the City and County of San Francisco, there occurred an earthquake and generaconflagration by which many thousand persons were deprived of their homes and vocations and reduced to a condition of dependency and suffering; and

WHEREAS, It is generally known and alleged that the generous people of the nation and elsewhere contributed a large amount of foodstuffs, clothing and other supplies, and exclusive of the two and one half millions of dollars donated by the congressional appropriation, have given the sum of $9,295,151.66 for relief of said sufferers; and

WHEREAS, It is commonly known and alleged that certain persons in the State of California have become seized of said foodstuffs, clothing and other supplies, and more than six million dollars belonging to said $9,295,151.66, and, in an unauthorized manner, engaged themselves in disposing of the same; and

WHEREAS, It is alleged that said unauthorized persons have wrongfully distributed and wrongfully converted a large amount of said relief moneys, foodstuffs, clothing and other supplies, and have wrongfully sold a large amount of said foodstuffs, clothing and other supplies; and

WHEREAS, It is alleged that said unauthorized persons have delivered and transferred a large amount of said relief funds, foodstuffs, clothing and other supplies to a certain corporation by it to be disposed of to such individuals and in such manner as its directors may deem proper, without being responsible to any court or authority for an honest and economical administration of the trust, and that said corporation is conducting its business in an unsafe and unauthorized manner, and has wrongfully distributed and wrongfully converted a large amount of said relief moneys, foodstuffs, clothing and other supplies; and

WHEREAS, It is alleged that said corporation was formed and organized under the laws of the State of California; and

WHEREAS, There has been filed with the Governor of the State of California a certain memorial, in writing, by which certain citizens of the State of California did petition the said Governor and the Senators and Assemblymen of the Legislature of said State, and each of them, to investigate the authority and methods by which the moneys and supplies given for relief of said sufferers have been received, accounted for, distributed or wrongfully converted, and that said Assemblymen use the power and influence of their offices and engage other necessary means to have said moneys and supplies fully accounted for, and take appropriate action to the end that the residue of said relief moneys and supplies be placed in responsible and competent hands and the trust honestly and economically administered; and

WHEREAS, There has, with said memorial, with said Governor, been filed certain specified charges and statement of facts, set forth in writing, which allege and show the material matters hereinbefore set forth; and

WHEREAS, It is fit and proper that a committee be appointed by the Speaker of this Assembly to investigate the authority and methods by which said relief moneys and supplies have been received, accounted for, distributed, or wrongfully converted by said unauthorized persons or by said corporation, formed, organized, and existing under and by virtue of the laws of the State of California; therefore, be it

Resolved, That a special committee of five members be appointed by the Speaker of this Assembly to investigate the authority and methods by which said relief moneys and supplies have been received, accounted for, distributed or wrongfully converted, and to investigate all the charges and facts in said statement contained and alleged, and that, for the purposes of such investigation, the said committee be and it is hereby empowered to issue all necessary subpœnas, to have full power to send for persons, books, and papers, and to compel the attendance of all necessary witnesses within this State, and require the production of any and all necessary books and documents, and to examine persons under oath, to the end that the powers herein given may be fully carried out; and that said committee report the result of its investigation to this Assembly at the earliest possible date.

Resolution ordered printed in the Journal.

LEAVE OF ABSENCE.

Mr. Johnson of Sacramento requested that the Committee on Judiciary be granted a leave of absence for the evening for the purpose of committee meeting.

There being no objection, the leave of absence was granted.

SECOND READING OF BILLS.

Assembly Bill No. 322—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

During second reading of bill, Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 322 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 322—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school—and do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 140—An Act to provide for the improvement of the campus of the State Normal School of San Diego, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "ten," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "seven," and striking out the word "curving," Section 1, on line 7, first page, printed bill, and inserting in lieu thereof the word "curbing."

Amendment adopted.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 140 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 140—An Act to provide for the improvement of the campus of the State Normal School of San Diego, and making an appropriation therefor—and do now report the same back, and recommend that the same do pass as amended.

BEARDSLEE, Chairman.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 144—An Act to provide for making repairs, and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.

During second reading of bill, Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 144 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 144—An Act to provide for making repairs, and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor—and do now report the same back and recommend that the same do pass.

BEARDSLEE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 559—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 97—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies,

machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

During second reading of bill, Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 97 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 97—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work and the operation of the school of agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose—and do now report the same back and recommend that the same do pass.

BEARDSLEE, Chairman.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 628—An Act amending an Act to establish a school of discipline, etc., for juvenile delinquents, to be known as the Whittier State School.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 589—An Act to add a new article to Chapter III, of Part III, of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the civil war, at the Woman's Relief Corps Home, at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "ten," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "five."

Amendment adopted.

Bill read second time.

Assembly Bill No. 712—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 79 and 712.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 79 and 712 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of the Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the civil war, at the Woman's Relief Corps Home, at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years—and do now report the same back, with amendments, and recommend that the same do pass as amended.

Also: Have had under consideration Assembly Bill No. 712—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco—and recommend that the same do pass.

BEARDSLEE, Chairman.

Assembly Bill No. 79 ordered to print and engrossment.

Assembly Bill No. 712 ordered to engrossment.

Assembly Bill No. 553—An Act to amend Section 2979 of the Political Code, relating to duties of State Board of Health.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out lines 41 to 46, inclusive, second page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 423—An Act to amend Section 2653 of the Political Code, relating to property highway tax.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the title of the bill insert an enacting clause as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

AMENDMENT No. 2.

After the enacting clause insert the following:
"SECTION 1. Section two thousand six hundred and fifty-three of the Political Code is hereby amended to read as follows:"

Amendment adopted.

AMENDMENT No. 3.

Strike out the word "Section" and the words "Property highway tax," line 1 of printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 579—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885, approved March 23, 1901," by amending Sections 8 and 14 thereof, and adding a new section thereto, to be numbered and designated Section 9½.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the enacting clause as follows:
"SECTION 1. Section 1140 of the Penal Code is hereby amended to read as follows:"

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 240—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the word "reputal," in line 5 of Section 1 of the printed bill, and insert in lieu thereof the word "reputable."

Amendment adopted.

AMENDMENT No. 2.

After the word "dentists," in line 8 of Section 1 of the printed bill, insert the words "of this State."

Amendment adopted.

AMENDMENT No. 3.

Amend by adding to Section 2 as follows: "*provided*, the applicant shall present to the said board a certificate of graduation from some reputable dental college."

Amendment adopted.

Mr. Fratessa moved the adoption of the following amendments:

Section 2, line 4, first page of printed bill, to be amended as follows: After the word "dentistry" to be inserted "or to whom temporary licenses have heretofore been issued under previous acts."

Amendment adopted.

Also:

Section 2, line 8, page 2, printed blll, to be amended by striking out "satisfied that."

Amendment adopted.

Also:

Section 2, line 8, page 2, printed bill, to be amended by adding the letter "s" to the word "applicant."

Amendment adopted.

Also:

Section 2, line 9, page 2, printed bill, to be amended by striking out the words "properly qualified to practice" and inserting the words "exhibit reasonable skill in the practice of."

Amendment adopted.

Also:

Section 2, line 9, page 2, printed bill, to be amended by striking out the word "do."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 597—An Act to create a reclamation district to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend printed bill, Section 1, page 1, line 4, by inserting after the word "the" the words "east bank of the."

Amendment adopted.

AMENDMENT No. 2.

Amend printed bill, Section 1, page 1, line 5, by inserting the words "north bank" after the word "the," where it first occurs in said line.

Amendment adopted.

AMENDMENT No. 3.

Amend printed bill, Section 1, page 1, line 10, by inserting the words "south bank of" after the word "the" where it first occurs in said line and inserting the words "said south bank of" after the word "along," where it occurs in said line.

Amendment adopted.

AMENDMENT No. 4.

Amend printed bill, Section 1, page 1, line 11, by inserting the words "south bank of" after the word "said," where it occurs in said line.

Amendment adopted.

AMENDMENT No. 5.

Amend printed bill, Section 1, page 2, line 12, by inserting after the word "sects" where it occurs in said line, the following: "the south bank of the so-called new channel of Bear River, thence along said south bank of the new channel of Bear River to where it intersects the east boundary of section twenty-three, Tp. 13, N. R. 4 E.; thence south along said section line to the southeast corner of said section twenty-three; thence west along section lines three miles to."

Amendment adopted.

AMENDMENT No. 6.

Amend printed bill, Section 1, lines 12 and 13, by striking therefrom all of line 12 after the word "sects," where it occurs in said line, and all of line 13.

Amendment adopted.

AMENDMENT No. 7.

Printed bill, page 2, Section 2, line 2, amend figures 744 to read 774.

Amendment adopted.

AMENDMENT No. 8.

Amend printed bill, Section 2, page 3, line 7, by striking out the word "five," in said line, and substituting therefor the word "seven."

Amendment adopted.

AMENDMENT No. 9.

Amend printed bill, Section 2, page 3, lines 8 and 9, by inserting in said lines in the blank places provided, the names: Alden Anderson, Geo. W. Peltier, Peter J. Shields, Charles F. Silva, Bena Scheiber, John Burns, Frank J. Michel.

Amendment adopted.

AMENDMENT No. 10.

Amend printed bill, Section 2, page 3, line 11, by inserting the word "seven" before the word "trustees," in said line.

Amendment adopted.

AMENDMENT No. 11.

Amend printed bill, Section 2, page 3, line 12, by striking out the word "June," and inserting in lieu thereof the word "March," and by striking out the word "six," where it occurs therein, and inserting the word "four."

Amendment adopted.

AMENDMENT No. 12.

Amend printed bill, Section 2, page 3, line 13, by striking out the word "six" therein, and inserting the word "four" in place thereof.

Amendment adopted.

AMENDMENT No. 13.

Amend printed bill, Section 2, page 3, by inserting a new paragraph between lines 13 and 14, to read as follows: "In case of any vacancy in the office of trustee of said district, the Governor shall appoint a qualified person as trustee who shall hold said office for the unexpired term."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 456—An Act to repeal Article XVI of Chapter III, Part III, Title I of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2 of Section 589, on page 1 of the printed bill, strike out the word "three" and insert in lieu thereof the word "four."

Amendment adopted.

AMENDMENT No 2.

In line 4 of Section 591, on page 2 of the printed bill, insert "and assistance" after the word "conveniences."

Amendment adopted.

AMENDMENT No. 3.

In line 9 of Section 594, on page 2 of the printed bill, strike out the words "Inland Navigation Insurance" and insert in lieu thereof "Ocean and Inland Risks, Transportation and Automobiles."

Amendment adopted.

AMENDMENT No. 4.

In line 50 of Section 594, on page 3 of the printed bill, add, at the beginning thereof, "After July 1st, 1907."

Amendment adopted.

AMENDMENT No. 5.

In line 57 of Section 594, on page 4 of the printed bill, add, at the beginning thereof, "After July 1st, 1907."

Amendment adopted.

AMENDMENT No. 6.

In line 64 of Section 594, on page 4 of the printed bill, add, at the beginning thereof, "After July 1st, 1907."

Amendment adopted.

AMENDMENT No. 7.

In line 71 of Section 594, on page 4 of the printed bill, add, at the beginning thereof, "After July 1st, 1907."

Amendment adopted.

AMENDMENT No. 8.

Strike out, beginning with "Every," in line 86 of Section 594, on page 4 of the printed bill, and ending with the word "State," in line 92 of Section 594, on page 5 of the printed bill, and insert in lieu thereof "The capital stock required under the provisions of this title must be fully paid up before the doing of any such business in the State of California and must be exclusive of all liabilities for losses reported, expenses, taxes and re-insurance of all outstanding risks, as provided in Section 602 of the Political Code."

Amendment adopted.

AMENDMENT No. 9.

In line 7 of Section 594*a*, on page 5 of the printed bill, insert the syllable "un" before the word "settled."

Amendment adopted.

AMENDMENT No. 10.

In line 15 of Section 594*a*, on page 5 of the printed bill, after the second word "incorporated" add "organized or existing."

Amendment adopted.

AMENDMENT No. 11.

In line 21 of Section 594*a*, on page 5 of the printed bill, after the word "business," insert "or a like amount held in trust for the purposes herein specified as provided for by the laws of that State."

Amendment adopted.

AMENDMENT No. 12.

In line 22 of Section 594*a*, on page 5 of the printed bill, insert "minimum" after the third word "the."

Amendment adopted.

AMENDMENT No. 13.

Strike out, beginning with "such" in line 41 and ending with the word "company" in line 43 of Section 594*a*, on page 6 of the printed bill, and insert "such deposits must be for the benefit and security of all the policy holders of the company in the United States."

Amendment adopted.

AMENDMENT No. 14.

In line 60 of Section 594*a*, on page 6 of the printed bill, strike out the word "certificate" and insert "order."

Amendment adopted.

AMENDMENT No. 15.

In line 13 of Section 595, on page 7 of the printed bill, insert the syllable "in" before the word "validity."

Amendment adopted.

AMENDMENT No. 16.

In line 15 of Section 595, on page 7 of the printed bill, insert "and" after the word "State."

Amendment adopted.

AMENDMENT No. 17.

By striking out, in line 16 of Section 595, on page 7 of the printed bill, beginning with the word "he," the remainder of said line, all of lines 17 and 18 and the first three words of line 19.

Amendment adopted.

AMENDMENT No. 18.

In line 36 of Section 595, on page 7 of the printed bill, insert "of general circulation" after the word "newspapers."

Amendment adopted.

AMENDMENT No. 19.

In line 33 of Section 596, on page 9 of the printed bill, strike out "at current rates."

Amendment adopted.

AMENDMENT No. 20.

By striking out in line 6 of Section 596*a*, on page 10 of the printed bill, the word "three" and inserting "twenty-five."

Amendment adopted.

AMENDMENT No. 21.

In line 10 of Section 597, on page 10 of the printed bill, insert "other than renewals," after the word "authority."

Amendment adopted.

AMENDMENT No. 22.

By striking out in line 15 of Section 597, on page 11 of the printed bill, the word "has," and insert "shall have."

Amendment adopted.

AMENDMENT No. 23.

By striking out in line 33 of Section 597, on page 11 of the printed bill, beginning with the word "all," the remainder of said line and the remainder of the word "examinations," on line 34, and insert "wherever the commissioner shall deem such examination necessary, the same."

Amendment adopted.

AMENDMENT No. 24.

By striking out in line 1 of Section 598, on page 12 of the printed bill, the word "pledger," and insert "pledgee."

Amendment adopted.

AMENDMENT No. 25.

By striking out in line 3 of Section 598, on page 12 of the printed bill, commencing with the word "or," the remainder of said line and all of line 4, to and including the word "policy."

Amendment adopted.

AMENDMENT No. 26.

By striking out in line 2 of Section 601, on page 14 of the printed bill, before the word "compensation," the word "the," and insert "a."

Amendment adopted.

AMENDMENT No. 27.

By striking out in line 3 of Section 601, on page 14 of the printed bill, the words "three cents" and insert "one cent."

Amendment adopted.

AMENDMENT No. 28.

By striking out in the last of line 42 and first of line 43 of Section 602, on page 15 of the printed bill, the words "December 31st, eighteen hundred and ninety-one," and inserting "January 1st, eighteen hundred and ninety-two."

Amendment adopted.

AMENDMENT No. 29.

By striking out in line 6 of Section 603, on page 16 of the printed bill, the word "personally."

Amendment adopted.

AMENDMENT No. 30.

By striking out in line 7 of Section 604, on page 16 of the printed bill, commencing with the words "if it transpires," all of the sentence, and insert: "if on the trial of any such action it appears to the court that such company is insolvent, before causing judgment to be entered, the court shall direct the corporation and the officers thereof to levy an assessment on the capital stock sufficient to enable the defendant corporation to pay its debts, and in such order shall give full directions as to the manner of levying such assessment and the amount thereof, and such assessment shall be levied before judgment is entered."

Amendment adopted.

AMENDMENT No. 31.

By striking out in line 18 of Section 605, on page 17 of the printed bill, after the word "dollar," the period and insert "; (11) for attaching the seal of office one dollar; (12) for issuing any other certificate two dollars."

Amendment adopted.

AMENDMENT No. 32.

By striking out all of Section 612*a*, beginning at the bottom of page 22 of the printed bill and including pages 23, 24, and to and including line 91, on page 25 of the printed bill, and insert the same before Section 603 on page 16 of the printed bill, numbering same "602*a*."

Amendment adopted.

AMENDMENT No. 33.

By striking out in line 31 of Section 613, on page 26 of the printed bill, the words "December 31st, 1891," and insert "January 1st, 1892."

Amendment adopted.

AMENDMENT No. 34.

By striking out in line 3 of Section 615, on page 27 of the printed bill, the word "statements," and insert "written instruments."

Amendment adopted.

AMENDMENT No. 35.

By striking out in line 5 of Section 615, on page 27 of the printed bill, the words "statements and reports," and insert "instruments."

Amendment adopted.

AMENDMENT No. 36.

By striking out in line 4 of Section 617, on page 29 of the printed bill, the words "the statements and," and insert "any statements or."

Amendment adopted.

AMENDMENT No. 37.

By striking out beginning on line 31 of Section 618, on page 30 of the printed bill, all of the remainder of said section and insert: "If the deposit is of mortgages, it shall be accompanied by full abstracts of title or policies of title insurance or certificates of title issued by a duly organized title insurance company authorized to transact business under the laws of California, and the fees for examination of title, unless accompanied by such certificates of title or policies of title insurance, and the fees for appraisal of property shall be paid by the company making the deposit."

Amendment adopted.

AMENDMENT No. 38.

By striking out in line 4 of Section 620, on page 30 of the printed bill, the words "holders thereof," and insert "insurance commissioner."

Amendment adopted.

AMENDMENT No. 39.

In line 11 of Section 620, on page 30 of the printed bill, insert after the word "deposited" and before the ";" as follows: "*provided, however*, that pending such examination the securities requested to be withdrawn may at the discretion of the commissioner be

delivered to the depositor upon the condition that the applicant deposit with the commissioner securities of like value."

Amendment adopted.

AMENDMENT No. 40.

By striking out in line 14 of Section 622, on page 31 of the printed bill, the words "stocks or."

Amendment adopted.

AMENDMENT No. 41.

By striking out, in line 14 of Section 629, on page 34 of the printed bill, the words "December 31st, 1891" and inserting "January 1st, 1892."

Amendment adopted.

AMENDMENT No. 42.

By striking out in line 35 of Section 629, on page 34 of the printed bill, the word "three," and insert "one," and at the top of page 35, in line 36, strike out the word "cents," and insert the word "cent."

Amendment adopted.

AMENDMENT No. 43.

In line 8 of Section 634*a*, on page 37 of the printed bill, add at the end thereof: "The words 'capital stock,' as referred to in this title, shall be deemed to include the capital of any person, firm, or association."

Amendment adopted.

AMENDMENT No. 44.

By striking out in line 3 of Section 2, on page 38 of the printed bill, the following: "rights, causes of action, actions," and insert "causes of action and actions for."

Amendment adopted.

AMENDMENT No. 45.

On page 38 of the printed bill, after the last section thereof, insert the following:
"Section 3. This Act shall not repeal any existing statute so far as California corporations or associations transacting only assessment insurance business are concerned."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 419—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title as follows: After the word "thereto" add the following: "and to repeal Section 580 of the Civil Code."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "organized without a capital stock," on lines 4 and 5, sixth page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "savings bank," on lines 6 and 10, sixth page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "thereof," on line 22, sixth page, printed bill, and inserting in lieu thereof the word "hereof."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 253—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title of the bill by striking out the words "loaning money, receiving deposits, banking or," on lines 6 and 7, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "loaning money, receiving deposits, banking or," after the word "of," on line 7, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the comma after the word "commissioner," and the words "the board of bank commissioners and the commissioners of the building and loan associations," on lines 38, 39, and 40, second page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the term of existence of corporations.

Bill read second time, and ordered to engrossment.

SECOND READING OF CODE BILLS.

Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "director," on line 61, Section 1, third page, printed bill, and inserting in lieu thereof the following: "board of directors."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "respectfully," on line 72, Section 1, fourth page, printed bill, and inserting in lieu thereof the following: "respectively."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word " and " on line 87, Section 1, fourth page, printed bill.

Amendment adopted.

AMENDMENT No 4.

Amend by striking out the word "thousand," on line 141, Section 1, sixth page, printed bill, and inserting in lieu thereof the following: "hundred."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting after the figures "1889," on line 201, Section 1, seventh page, printed bill, the following: "and of any other act amendatory thereof or supplementary thereto."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "when any sum of money is paid to the wardens" and a comma following, on lines 228–229, Section 1, eighth page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by changing the capital letter "A" at the beginning of line 373, Section 1, twelfth page, printed bill, to a small letter "a."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the words "eighty-eight c," on line 446, Section 1, fourteenth page, printed bill, and inserting in lieu thereof the following: "ninety-one."

Amendment adopted.

AMENDMENT No. 9.

Amend by inserting after the word "behalf," on line 449, Section 1, fourteenth page, printed bill, the word "of."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 248—An Act to amend Sections 338, 339, 340, 341, of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "by a licensed auctioneer," on line 15, Section 4, third page, printed bill, and inserting in lieu thereof the following: "held."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "auction or,' on line 15, Section 4, third page, and the words "salesroom where the business is carried on," on line 16, Section 4, third page, printed bill, and inserting in lieu thereof the following: "place."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "or," on line 17, Section 4, third page, printed bill, and inserting in lieu thereof the word "of."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting, after line 47, Section 1, second page, printed bill, the following: "But no speech or publication reflecting upon or concerning any court or officer thereof shall be treated or punished as a contempt of such court unless made in the immediate

presence of such court while in session, and in such a manner as to actually interfere with its proceedings."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501*a*, all relating to claims against the estates of decedents.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "must," on line 4, Section 1, first page, printed bill, the following: "be filed with the clerk and."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out Section 3, lines 1 to 5, second page, printed bill, and renumbering all following sections thereof.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "payment," on line 12, Section 6, page 3, printed bill, and inserting in lieu thereof the word "judgment."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "and to add a new section thereto, to be numbered fifteen hundred and one *a*," on lines 6 and 7 of the title of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting, after line 10, Section 2, second page, printed bill, the following: "Sec. 3. Section sixteen hundred and forty of the Code of Civil Procedure is hereby repealed."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting, after the word "Procedure," on line 3 of the title to the printed bill, the following: "to repeal section sixteen hundred and forty thereof."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators, and the settlement of such accounts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out Section 6, comprising lines 1 and 2, second page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "and sixteen hundred and forty," on line 6 of the title of the printed bill, and inserting the following: After the word "twenty-four" on line 5 of the title, the word "and."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out "Section 7," consisting of lines 1 to 7, fourth page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "and sixteen hundred and sixty-nine," on line 5 of the title of the printed bill, and inserting after the words "sixty-five," in line 4 of said title, the following: "and."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "Vieoj," on line 59, Section 1, third page, printed bill, and inserting in lieu thereof the following: "Viejo."

Amendment adopted.

Mr. Wyatt moved the adoption of the following amendment:

Amend by striking out of Section 1, line 29 of printed bill, the words "and lying east of," and all of lines 30, 31, 32, and 33, and in line 34, the words "line of Seventh to the city front," and inserting in lieu thereof the following: "lying easterly of the northeasterly line of Seventh street, the width thereof to be one hundred forty feet."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of estates of deceased persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil

Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 284—An Act to repeal Title XIII, of Part III, of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said code, relating to estates of missing persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 289—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Bill read second time, and ordered to engrossment.

ADJOURNMENT.

At nine o'clock and fifteen minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Friday, February 15, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 15, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Berry, Birdsall, Bishop, Butler, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for this day: Messrs. Fisher, Stanton, Eshleman, Kohlman, Coghlan, Finney, Beckett, and Strohl.

APPROVAL OF JOURNAL.

On motion of Mr. Transue, the Journals of Friday, February 8, and Saturday, February 9, 1907, were read and approved as corrected by the Minute Clerk.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Wilson, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for recording mortgages of personal property by persons who do not reside in this State.

Assembly Bill No. 662—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.

Assembly Bill No. 634—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Assembly Bill No. 632—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State hospitals.

Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Assembly Bill No. 496—An Act to amend Section 1763 of the Code of Civil Procedure of the State California with reference to the appointment of guardians of insane and other incompetent persons.

Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Assembly Bill No. 607—An Act to add two new sections to the Political Code to be known as Sections 444 and 461 thereof, both relating to the General Fund.

Assembly Bill No. 608—An Act to add a new section to the Political Code to be known as Section 453*a* thereof, relating to donations to the State.

Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Assembly Bill No. 474—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure relating to the possession of the property of deceased persons.

Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 16—Relative to Lincoln's birthday observance.

Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in the Bay of San Diego, or in the entrance thereto.

Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1,

1897, and amended March 23, 1901, and again amended March 12, 1903, relating to the officers of a township.

Assembly Bill No. 176—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick and for training schools for nurses.

Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.

Assembly Bill No. 95—An Act to perfect the organization of Reclamation District Number Seventy as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

And were presented to the Governor February 14, 1907, at three o'clock P. M.

HANS, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county and city and county school tax.

Also: Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SACKETT, Chairman.

The above reported bills ordered on file for second reading.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof—have had the same under consideration, and respectfully report the same back, with the following amendment: In line 3, Section 1 of the printed bill, eliminate the word "hatcheries" and insert in lieu thereof the word "hatcheries," and recommend that the same do pass as amended.

CORNISH, Chairman.

Assembly Bill No. 484 ordered on file for second reading.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 762—An Act creating a contingent fund for the use of the State Prison at Folsom and making an appropriation therefor to be expended for the objects hereinafter specified; for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Also: Assembly Bill No. 763—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

The above reported bills referred to Committee on Ways and Means.

ON LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Levees and River Improvements, to whom was referred Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide

for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary cost and expenses of maintaining said districts," approved March 20, 1905—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

BUTLER, Chairman.

Assembly Bill No. 591 ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

The following supplemental report on Code Revision Bills on Third-reading Special File was submitted and ordered printed in the Journal:

SACRAMENTO, February 15, 1907.

To the Assembly.

GENTLEMEN: Your Committee on Revision and Reform of Laws hereby submits a supplemental report on the code revision bills upon special third reading, giving the nature of, and reasons for the amendments in the respective bills, as follows:

Assembly Bill No. 291. Section 2104, C. C. P.

This section is repealed because there have heretofore been two sections covering the same subject which were somewhat conflicting, and the two sections have been amalgamated into Section 573, which is the subject of Senate Bill No. 321.

Assembly Bill No. 178. Section 1349, C. C. P.

The words "who must appear and qualify" toward the end of the section, are omitted, and in their place are inserted "unless they or either of them have renounced their rights to letters, and if no." At the end of the section has been added the following: "In the order, the court must ascertain and determine whether said estate is worth more or less than ten thousand dollars, which determination is conclusive for the purpose of giving notice to creditors, but for no other purpose." The object of this last amendment is to require the court to find the value of the estate for the sole purpose of fixing the time for which notice to creditors must be given.

Section 1350, C. C. P.

The final clause respecting the renouncement by executors was omitted and the matter provided for in new Section 1350*a*.

Section 1350a, C. C. P.

See note to Section 1350.

Section 1351, C. C. P.

The words "estate or" in line 3 of section on page 2 of the printed bill, are inserted before "will," the reason being self evident.

Assembly Bill No. 384. Section 384, C. C.

There are two sections in the Civil Code containing identical language, one being 384, and the other 404; 384 is not in the proper place, and 404 is. Section 384 is therefore repealed, leaving Section 404 intact, and a proviso is added in the repealing Act so that any rights acquired under 384 shall not be lost, but shall be continued in force under the provisions of Section 404.

Assembly Bill No. 180. Section 1371, C. C. P.

The amendment consists in omitting after the word "petition" on line 11, page 1 of the printed bill, the words: "and are afterwards proved in the course of administration," because no means are provided for ascertaining what subsequent proofs are made, and the words omitted add nothing but doubt to the section.

Section 1379, C. C. P.

The amendment consists in adding after the word "entitled" on line 5 of the section, page 2 of the printed bill, the following: "or to a person who would be entitled if a resident of the State." This amendment avoids the narrow construction put upon the section by the Supreme Court and, it is believed, expresses the real intent of the Legislature.

Section 1383, C. C. P.

The amendment to this section is made by inserting after the word "them" on line 7 of the section, page 2 of the printed bill, the following: "whether the person so requesting is a resident or non-resident of the State."

Assembly Bill No. 181. Section 1328, C. C. P.

The words "of a regular term" are omitted because there are no terms of court.

Section 1329, C. C. P.

The amendment strikes out the words "personal service of the citation having been made upon any" and inserts in lieu thereof "proof having been made of service of the citation upon all of the," lines 4 and 5, page 2 of the printed bill.

Assembly Bill No. 182. Section 1323, C. C. P.

The words "clerk of the court" are substituted for "court or judge," in line 7, page 1 of the printed bill, making the section correspond to the practice set forth in Section 1303 of the Code of Civil Procedure.

Assembly Bill No. 183. Section 1300, C. C. P.

The word "legatees" is inserted in line 7, page 1 of the printed bill. Inasmuch as the devisees are already named in the statute, there is no question but that the word "legatees" was omitted through oversight.

Assembly Bill No. 184. Section 1269, C. C. P.

The word "possessed" has been substituted for the word "seized," line 16, page 2 of the printed bill.

The words "claimant and possessor" have been substituted for the word "person" at the beginning of line 22, page 2, of the printed bill.

The words "prior to the expiration of such time" are inserted in lines 28 and 29 page 2 of the printed bill.

The desirability of these changes is manifest. They require the summons, when an estate is claimed to have escheated, to be directed to the claimant and to the occupant, and make the publication sufficient if for one month *prior to the hearing.*

Section 1270, C. C. P.

The words "of such estate or any part thereof," after the word "charge," on line 37, page 2 of the printed bill, are added, it being evident that if a receiver is to take charge the relief should be complete and he should not be confined simply to the right to receive rents.

Section 1271, C. C. P.

The words "is the owner of the property" are substituted for the words "be seized," line 47, page 2 of printed bill. The word "property" is substituted for the words "land and tenements," line 53, page 3, printed bill. The words "is the owner and entitled to the possession thereof" are inserted in place of the words "be seized thereof," lines 55 and 56, page 3 of the printed bill.

The words "who have appeared and answered" are inserted after the word "defendants," on line 57, page 3 of the printed bill, in order to compel the dismissal of such defendants as have not appeared and answered.

The words "property, unless it consists of money" are substituted for the words "real property," in order to include all kinds of property, real, personal, and mixed, except money, on lines 60 and 61, page 3 of printed bill.

The word "or" is substituted for the word "and," on line 68, page 3 of the printed bill, to correct an evident mistake.

The words "of ten per cent," after the word "offer," on line 73 of the printed bill, are stricken out, thus re-opening the bidding and preventing the necessary escheating to the State if any amount in excess is bid.

Section 1272, C. C. P.

Omits the words "married woman" * * * "or persons beyond the limits of the United States," from the saving clause, there being now no disabilities with reference to said persons.

Assembly Bill No. 186. Section 1228, C. C. P.

The amendment is in subdivision one and substitutes the words "vote of two thirds of the members or of the holders of two thirds of the subscribed capital stock," for the ambiguous words in the present statute, the former being what was really intended by the Legislature.

Section 1230, C. C. P.

To provide for the notice to be given and by whom in proceedings for the voluntary dissolution of corporations.

Section 1234, C. C. P.

The word "unknown," in line 13, Section 3, page 2 of the printed bill, substituted for the word "known," to correct a manifest clerical error.

Assembly Bill No. 188. Sections 1204-1207, inclusive, C. C. P.

Have been rewritten, and 1208 added, because the first four sections are ambiguous and carelessly drawn. Nothing new is intended by the chapter.

Assembly Bill No. 190. Section 1115, C. C. P.

Substitutes "twenty" for "forty," and strikes out "the return day of the election," and inserts "declaration of the result of the election by the body canvassing the returns thereof." In *Carlson* vs. *Burt*, 111 Cal. 129, it was held that the words "return day of the election" meant the day on which by law the canvass of the vote *commences*. The result of that construction is, that if the canvass is sufficiently prolonged, no contest can be initiated. As the whole title refers to contesting the right of persons "declared elected," the time should run from that declaration. If that be so, forty days is too long, and twenty ample.

Section 1124, C. C. P.

Provides for contest of the result when the canvassing board has declared that a tie exists between candidates.

Section 1126, C. C. P.

Insert "within thirty days after notice of the entry thereof," to make practice definite.

Assembly Bill No. 191. Section 1417, C. C. P.
The amendment is contained in the last sentence. As the law now stands, the compensation of a special administrator cannot be fixed until the final settlement of the estate, which may be, and often is, years after his services have been completed.

Assembly Bill No. 193. Section 1431, C. C. P.
Inserts the words "the same" before "jurisdiction," line 23, Section 1, page 2 of the printed bill, to correct a clerical error.

Section 1432, C. C. P.
Substitutes "hereinbefore" in place of "hereinafter," in line 8, Section 2, page 2, to correct a clerical error.

Assembly Bill No. 195. Section 1445, C. C. P.
Besides some trifling changes in verbiage, the amendment is designed to secure greater definiteness as to the inventory of a partnership property interest.

Assembly Bill No. 275. Section 1598, C. C. P.
Inserts after the words "petition by" the words "the executor or administrator, or by," thus authorizing him to present a petition for leave to convey property pursuant to a contract of sale made by the decedent.

Section 1600, C. C. P.
Strikes out at the end of the section the words "entered on the minutes of the court and recorded," this requirement being covered by the general provisions of Sections 1704 and 1604 of the same Code.

Section 1607, C. C. P.
The words "deed or transfer and" are omitted after the word "producing," on line 5, Section 3, page 2, to harmonize the section with Section 1604 of the same Code.

Assembly Bill No. 189. Sections 1166, 1167, and 1175, C. C. P.
"Verified" is substituted for "in writing," lines 3 and 4, Section 1, page 1, and Section 1175 thus made unnecessary, and the provisions respecting summons are omitted from Section 1166, that subject being left to the control of the general law and of Section 1167.

Assembly Bill No. 192. Section 1423, C. C. P.
Omits the provision that upon the admission of a will to probate the powers of the administrator cease. It is misleading, as the power continues until his letters are revoked, under Section 1428 of the same Code.

Assembly Bill No. 194. Section 1436, C. C. P.
Insert the words "direct such executor or administrator to be cited to appear and show cause why his letters should not be revoked, and," to make it clear that an executor or administrator may be cited without being first suspended.

Section 1437, C. C. P.
Amended to correspond to Section 1436.

Assembly Bill No. 198. Section 1458, C. C. P.
The amendment omits the word "alienates." A remedy of this kind should not be given except in cases where the action of the defendant has been fraudulent or criminal. The amendment also makes the section apply to embezzlement committed at any time, whether administration is pending or not. It would seem to be as important in the one case as in the other.

Section 1459, C. C. P.
Strikes out "in the latter case," thus entitling the person found innocent to recover his expenses, whether he is a non-resident of the county or not.

Section 1460, C. C. P.
Strikes out the provision that the order for a disclosure shall be prima facie evidence of the right of the executor or administrator to the property, and that the recovery must be for double its value; also substitutes "or fraudulently" for the words "conveyed away or." The present section is unjust and probably unconstitutional. The provision respecting double damages should be applicable only to the cases specified in Section 1458 of the same Code.

Assembly Bill No. 199. Section 1466, C. C. P.
In place of the word "amount," substitutes the word "property," line 3, Section 1, page 1.

Section 1468, C C. P.
Inserts the words "other than the homestead selected and recorded during the lifetime of the decedent," lines 3 and 4, Section 2, page 1, and substitutes the word "spouse" for the word "husband" where it occurs in the section, thus avoiding the rule affirmed in *Estate of Walkerly*, 108 Cal. 627, and leaving the homestead subject to administration, without, however, impairing the homestead rights.

Assembly Bill No. 200. Section 1471, C. C. P.
Added to settle the practice with reference to giving notices in the matter of setting apart homesteads, as it already exists under rules of court in many jurisdictions and to make the practice uniform.

Assembly Bill No. 276. Section 1612, C. C. P.
The words "in writing" inserted at end of section, that being the real intent.

Assembly Bill No. 427. Section 954, C. C. P.
Amend the section so as to extend the power with respect to the acceptance of bonds to District Courts of Appeal.

Assembly Bill No. 604. Section 11, Pol. C.
Repealed, because its provisions are already contained, word for word, in Section 10 of the same Code.

Assembly Bill No. 605. Section 35, Pol. C.
Codifies the statute of 1873-4, page 621.

Assembly Bill No. 606. Sections 548-554, incl., Pol. C.
Intended to be terminated by statute of 1873-4, page 694, and hence should be taken out of the Code.

Assembly Bill No. 607. Section 444, Pol. C.
Codifies statute of 1899, page 156.

Section 461, Pol. C.
Codifies statute of 1873-4, page 593.

Assembly Bill No. 608. Section 4653a, Pol. C.
Codifies statute of 1880, page 20.

Assembly Bill No. 609. Section 364, Pol. C.
Amended by adding "or during his absence from the capital, the assistant attorney-general," to harmonize section with provisions of present Section 412 of the same Code.

Assembly Bill No. 610. Section 367, Pol. C.
Superseded by present Constitution.

Assembly Bill No. 611. Section 501, Pol. C.
The word "superior" substituted for "district."

Assembly Bill No. 612. Section 349, Pol. C.
Repealed, because repealed by statute of 1871-2, page 554, which was itself superseded by Section 526 of the Political Code.

Assembly Bill No. 474. Sections 2787, 2789, Pol. C.
These two sections are revised, so that a right of way may be acquired as well as land, and the language made broad enough to meet possible conditions that necessarily arise from time to time.

Section 2802, Pol. C.
Extend the provisions of the article to toll roads for automobiles and other horseless vehicles.

Assembly Bill No. 197. Section 1454, C. C. P.
Codifies statute of February 18, 1874, as amended in statute of 1895, page 32.

Assembly Bill No. 272. Section 1518, C. C. P.
Omits "if the defects be supplied by the proofs at the hearing," the order stating the general facts ought to be sufficient, and there is no other practical method of preserving what is proved at the hearing.

Section 1522, C. C. P.
Inserts "or any person interested in the estate," after the words "special administrator."

Section 1524, C. C. P.
The amendment consists of the last clause, requiring the testimony of the surviving partner to be taken, though he is out of the county.

Section 1537, C. C. P.
Same change as in Section 1518, *supra*.

Section 1543, C. C. P.
The amendment is contained in this last sentence: Under this provision, a separate suit for foreclosure will never be necessary, unless there are other parties to be sued.

Section 1544, C. C. P.
Inserts "in whole or in part" after "credit."

Section 1569, C. C. P.
The third sentence of the present section is transferred to Section 1491, and the last sentence of the present section is supplanted by the last two sentences of the amendment. It is intended to guard the rights of the mortgagee by requiring the amounts realized from a sale of the mortgaged property to be paid into the county treasury, instead of the clerk of the court.

Section 1573, C. C. P.
Requires the time for the commencement of an action to recover real property to be computed from the taking of adverse possession thereof, instead of from the time of the settling of the final account of the administrator.

Section 1575, C. C. P.
"One" is changed to "not less than five."

Section 1576, C. C. P.
Permits an executor or administrator to purchase the property of the estate upon the consent in writing of all the persons interested therein. This assimilates the case of an executor or administrator to that of any other trustee. There seems to be no reason why such should not be the rule.

Assembly Bill No. 196. Section 1452, C. C. P.
The word "profits" has been substituted for "forfeits," to correct an error. The last sentence has been added to cover cases of a class which has been before the Supreme Court, where an administrator dies when nothing further remains to be done with the estate beyond distribution, and where the estate is already in the hands of the persons entitled to distribution. In such case, public administrators and others, for the sole purpose of making fees, have sued to recover the property, which has caused great and unnecessary trouble and expense.

Assembly Bill No. 288. Section 2012, C. C. P.
The present section undertakes to specify the officers before whom affidavits may be taken, and manifestly omits to name many of them.

Assembly Bill No. 613. Sections 1572–1596, incl., Pen. C.
Codification of Act of March 19, 1889 (Statutes 1889, page 404, as amended 1905, pages 520 and 724).

Assembly Bill No. 187. Section 1209, C. C. P.
In subdivision 4 "deceit" is omitted, and in place thereof are substituted the words 'falsely pretending to act under authority of an order or process of court." From subdivision 12 has been omitted the sentence "Disobedience of the lawful orders or process of a judicial officer is also a contempt of the authority of such officer." This matter is already covered by Sections 177 and 178.

Section 1210, C. C. P.
Substitutes "or to his lessee, grantee, or successor in interest" for "or to his lessor or grantor."

Assembly Bill No. 202. Section 1497, C. C. P.
The word "land" changed to "property," so as to include both real and personal property liens.

Section 1498, C. C. P.
The amendment consists in adding the last sentence.

Section 1502, C. C. P.
Omits the words "unless proof be made of the presentation required," and substitutes therefor the words "without such presentation," to meet the decision in *Derby* vs. *Jackman*, 89 Cal. 1.

Section 1503, C. C. P.
The amendment is intended to make the section mean what it probably was intended to mean, but what it was declared not to mean, in *Walkerley* vs. *Bacon*, 85 Cal., 137.

Section 1504, C. C. P.
Inserts after "claim," "whether due or to become due, absolute or contingent," and thereby makes it possible to sue for the purpose of establishing a rejected claim, though it is contingent or not yet due.

Section 1505, C. C. P.
Inserts the word "or" between "testate" and "intestate," to correct an error.

Section 1509, C. C. P.
Repealed to avoid conflict with Section 1031.

Assembly Bill No. 274. Section 1591, C. C. P.
The amendment is contained in the last sentence. Since the decedent himself could not have recovered the property, his heirs should have no better right. In an action brought against a living person, to set aside a transfer void as to creditors, it can only be set aside so far as the claim of the creditor extends. The rule in case of deceased persons should be the same.

Section 1592, C. C. P.
A new section, consisting of Section 1640 amended by inserting after "petition" in the last sentence the words "for not less than ten days."

Assembly Bill No. 277. Section 1622, C. C. P.
Omits the requirement for filing an exhibit six months after the appointment of an executor or administrator, and leaves such exhibit to be filed whenever the court may direct. The time should differ according to the circumstances of the estate. Thus, if the estate is worth more than ten thousand dollars, no exhibit of any value can be filed until after the ten months allowed for the presentation of claims have expired.

Section 1636, C. C. P.
Entitles the party to a jury trial when an allowed claim is contested.

Sections 1623, 1624, 1625, C. C. P.
Repealed, as unnecessary and inconsistent with Section 1622, as amended.

Section 1640, C. C. P.
Repealed, because its contents are embraced in Section 1592, as amended.

Assembly Bill No. 279. Section 1658, C. C. P.
Inserts the words "or any portion thereof," to make the section agree with Subdivision 2 of Section 1661.

Section 1660, C. C. P.
The words "or any other heir, devisee, or legatee may make a similar application for himself." This prevents the abuse of an heir, devisee, or legatee making application at such a hearing, and having it disposed of without notice to the world.

Section 1661, C. C. P.
The section as amended consolidates present Sections 1661 and 1663, both of which seem to have been designed to accomplish the same purpose.

Section 1663, C. C. P.
Repealed, because Section 1661 covers the whole subject-matter.

Section 1665, C. C. P.
Strikes out "and the issue of other children" and inserts "or the issue of a deceased child," and also strikes out "to the other heir at law," and inserts "as provided in the Civil Code." The clause proposed to be amended is clearly in conflict with Subdivision 7 of Section 1386 of the Civil Code. The rule of the Civil Code is one which has existed in this State from its inception, and clearly ought to be retained. The proposed amendments make these sections harmonious.

Section 1668, C. C. P.
The amendment provides that any person interested may appear and contest a petition for distribution by filing written objections thereto.

Assembly Bill No. 668. Section 2349, Pol. C.
Adds all after the words "First Napa Creek." Consolidates with Section 2351, and codifies 1873–4, page 790; 1875–6, page 483; 1877–8, page 830, and 1869–70, page 22.

Section 2351, Pol. C.
Repealed, because contained in Section 2349 as amended.

Assembly Bill No. 273. Section 1582, C. C. P.
Strikes out "thereon" after "adverse claim," and inserts "thereto, or for partition of real property," and adds the last sentence of Section 1452. It was held in *Ryer* vs. *Fletcher Ryer Co.*, 126 Cal. 482, that an administrator could not maintain an action for partition. This is a very inconvenient rule and should be changed.

Section 1583, C. C. P.
Consolidating present Sections 1583 and 1584, which cover the same subject.

Section 1584, C. C. P.
The proposed new section is intended to do away with the rule declared in *James* vs. *Throckmorton*, 57 Cal. 368, under which executors and administrators are prevented from obtaining the relief granted by this section. This rule never had any good foundation in law, and should be altered. The last portion of the section, which provides for distribution to the executor or administrator of a deceased heir, legatee, or devisee, is followed by an amendment to Section 1678, concerning distribution.

Section 1587, C. C. P.
Striking out "to whom letters were issued" and inserting "who have been appointed executors." As letters are not allowed to issue before qualification, the sentence as it stands in the present section is absurd.

Section 1589, C. C. P.
"For" is inserted after "sue," to correct a mistake.

Assembly Bill No. 278. Section 1643, C. C. P.
The amendment provides for liens other than those arising from mortgage, and adds the provision of the last sentence of Section 1494 and the last sentence of 1496.

Section 1644, C. C. P.
Adds "or lien" after the word "mortgage."

Section 1647, C. C. P.
The section as amended applies only to the settlement of an account rendered after the expiration of the time for the presentation of claims.

Assembly Bill No. 280. Section 1717 C. C. P.
Inserts "and sign and file its decision in writing, as provided in Sections 632 and 633." The practice with reference to the filing of written findings in the trial of issues of fact in probate, where there is no jury, should be the same as in civil actions, and the amendment codifies the decision of the Supreme Court with regard to that practice.

Assembly Bill No. 282. Sections 1733, 1734, C. C. P.
Repealing Sections 1733 and 1734, because their subject-matter is included in Sections 1459 and 1461.

Assembly Bill No. 283. Section 1750, C. C. P.
"Nominate" is substituted for "appoint."

Section 1753, C. C. P.
The amendment is intended to express the distinction between the guardian of the person and the guardian of the estate. As the section now stands, it purports to give like power to each.

Section 1763, C. C. P.
Requires the appointment of a guardian of an insane person to be by the court, instead of by a judge, and that such person shall be a resident of the county.

Section 1766, C. C. P.
The word "guardian" changed to "guardianship," in the last sentence, to correct a clerical error.

Section 1768, C. C. P.
The words "in this title for the sale of real estate of decedents," are stricken out and "article four of this chapter" inserted. Article IV makes full provision for the sale of property by guardians, and contains many provisions entirely inconsistent with those provided for the sale of property of decedents. The reference in this section is, therefore, erroneous, and might be productive of serious results.

Section 1773, C. C. P.
The requirement that a guardian return an annual inventory of real estate is omitted, and instead he is required to render accounts annually and at such times as the court may direct.

Section 1776, C. C. P.
The amendment consists of the last sentence, and is intended to establish the rule set out in the dissenting opinion in *Estate of Kincaid*, 120 Cal. 203. The authorities cited in that opinion show that such has always been the rule of courts of equity, and that it is a just and practicable rule, which ought to be adopted.

Section 1793, C. C. P.
To harmonize the section with Section 1747.

Section 1800, C. C. P.
See note to Section 1458 (Assembly Bill No. 198).

Section 1807, C. C. P.
Strikes out "who must give a bond" and inserts "each of whom must give a separate bond," to make provisions of section uniform with those of Section 1391 of the same Code.

Section 1809, C. C. P.
Inserts "and ten hundred and fifty-six."

Section 1752, C. C. P.
Repealed, because inconsistent with 1753, which declares the proper rule. If a minor has a father or mother who is competent to act as guardian, the father or mother has the first right to appointment as guardian. If the father and mother are not competent to act as guardians, they are equally incompetent to have the custody of the minor or the care of his property.

Section 1774, C. C. P.
Repealed as superfluous, its substance being now in Section 1773.

Section 1760, C. C. P.
Transfers the provisions of Section 255 of the Civil Code to this section, where they properly belong.

Assembly Bill No. 284. Sections 1822, 1822a, 1822b, C. C. P.
Codifying the statute of 1893, page 218.

Assembly Bill No. 289. Section 2043, C. C. P.
To the section have been added the words "but a party to the action or proceeding cannot be so excluded; and if a corporation is a party thereto, it is entitled to the presence of one of its officers, to be designated by its attorney."

Section 2054, C. C. P.
The last clause of the present section declares an impracticable rule. It frequently happens that the testimony of several witnesses is necessary to prove the execution of a particular writing, and, under our practice, more than one witness can not be on the stand at the same time. The last clause of the amendment states the rule at common law, which, by some oversight, has up to this time been omitted from the Code.

Assembly Bill No. 290. Section 2064, C. C. P.
"Lawfully" inserted after "controlled." See *Ex parte Clark*, 126 Cal. 235.

Section 2070, C. C. P.
Omitting, at the beginning of the section, the words "The court or officer issuing the subpœna, and."

Respectfully submitted.

WYATT, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 369—An Act to prevent corrupt practices in regard to elections, and to repeal an Act approved April 23, 1903, entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," together with the amendment thereto—have had the same under consideration, and respectfully report the same back, together with a committee substitute, and recommend that the substitute do pass.

STETSON, Chairman.

WITHDRAWAL OF BILL.

Mr. Thompson of San Francisco asked for and was granted unanimous consent to withdraw Assembly Bill No. 369—An Act to prevent corrupt practices in regard to elections, and to repeal an Act approved April 23, 1903, entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," together with the amendment thereto.

Assembly Bill No. 369 withdrawn, and ordered stricken from the file.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 405—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by adding a new section thereto, to be known as Section 6*a*, and relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishing and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Also: Assembly Bill No. 436—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Subdivision 1, Section 6 of said Act.

Report the same back, with a substitute for both bills, and recommend the adoption of the substitute.

Also: Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114*a*, 114*b*, and 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same—and recommend its passage, with four amendments.

Also: Assembly Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California—and recommend its passage.

Also: Assembly Bill No. 377—An Act to add a new section to the Political Code, to be known as Section 1195½, relating to constitutional amendments—with two amendments, and recommend its passage as amended.

Also: Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition—and recommend its passage.

Also: Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State—and recommend its passage.

Also: Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities—and recommend its passage.

Also: Assembly Bill No. 710—An Act to provide for the establishment, maintenance, and control of a sanitarium for the treatment of curable cases of tuberculosis, and making appropriation therefor—and recommend its passage, and as it carries an appropriation, we recommend that it be referred to the Committee on Ways and Means.

Also: Senate Bill No. 84—An Act authorizing the Governor to set apart one day each year to be designated "Bird and Arbor Day," and to request its observance—and recommend its passage.

Also: Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change—and recommend its passage.

Also: Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts—and recommend its passage.

Also: Assembly Bill No. 416—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof—with two amendments, and recommend its passage as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills, with the exception of Assembly Bills Nos. 710, 405, and 436, ordered on file for second reading.

Assembly Bill No. 710 referred to the Committee on Ways and Means.

WITHDRAWAL OF BILLS.

Mr. Thompson of San Francisco asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 405 and 436, above reported.

Assembly Bills Nos. 405 and 436 withdrawn and ordered stricken from the file.

MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 14, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Also: Senate Bill No. 432—An Act to amend the title and Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors, other than ex-Union soldiers and sailors, of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

Also: Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding two new subdivisions thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.

Also: Senate Bill No. 558—An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephone and transmission lines.

Also: Committee Substitute for Senate Bills Nos. 227 and 346—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, and providing for the publication and distribution of a pamphlet showing the comparative statement of the operations of the present section or article of the Constitution, and of the result to be effected by the proposed amendment.

Also: Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

Also: Senate Bill No. 545—An Act to provide for the acquisition, equipment, and use of a railway car for the purpose of distributing live fish, and stocking the waters of this State with fish, and making an appropriation therefor.

Also: Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Also: Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Also: Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Also: Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in nineteen hundred and thirteen, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Also: Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 425—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Also: Senate Bill No. 275—An Act to appropriate money to protect the banks of the Eel River from erosion, by means of jetty work and riprap along the banks thereof.

Also: Senate Bill No. 341—An Act providing for an appropriation of $8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about Sutter's Fort.

Also: Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary money for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

Also: Senate Bill No. 609—An Act creating a contingent fund for the use of the State Prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of the criminal insane, for the apprehension and return of the escaped prisoners, including paroled men who have been ordered returned, and for such other uses as may be deemed necessary by the State Board of Prison Directors.

Also: Senate Bill No. 610—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified; for the purchase of machinery and equipment to replace the machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of the criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Also: Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Also this day passed the following as a case of urgency: Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature.

Also adopted the following: Senate Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California relating to the extension of the terms of existence of corporations.

Also: Senate Joint Resolution No. 10—Relative to the modification of rules regarding issuance of patents to mining claims.

Also: Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Also: Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 91 read first time, and referred to Committee on Judiciary.

Senate Bill No. 432 read first time, and referred to Committee on Judiciary.

Senate Bill No. 514 read first time, and referred to Committee on Judiciary

Senate Bill No. 558 read first time, and referred to Committee on Judiciary.

Committee Substitute for Senate Bills Nos. 227 and 346 read first time, and referred to Committee on Constitutional Amendments.

Senate Bill No. 533 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 545 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 396 read first time, and referred to Committee on Banks and Banking.

Senate Bill No. 477 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 240 read first time, and referred to Committee on Judiciary.

Senate Bill No. 470 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 57 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 188 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 189 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 190 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 425 read first time, and referred to Committee on Judiciary.

Senate Bill No. 275 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 341 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 611 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 609 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 610 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 587 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 754 read first time, and ordered on file temporarily.

Senate Constitutional Amendment No. 31 referred to Committee on Constitutional Amendments.

Senate Joint Resolution No. 10 referred to Committee on Federal Relations.

Assembly Bills Nos. 217 and 167 ordered to enrollment.

SUBSTITUTE COMMITTEEMAN APPOINTED.

SACRAMENTO, February 14, 1907.

I hereby request that Mr. Campbell be permitted to accompany the Committee on State Hospitals and Asylums on the trip to inspect the State institutions at Napa, Glen Ellen, and Ukiah, in my stead.

C. C. SPAULDING,
P. C. CAMPBELL.

I hereby grant permission for the above substitution.

R. L. BEARDSLEE, Speaker.

February 15, 1907.

MOTION.

Mr. Stetson moved that the chairman of the Committee on Ways and Means be instructed to report on Assembly Concurrent Resolution No. 16—Relative to adjournment of the Legislature *sine die*.

Motion lost.

BILL RECALLED FROM COMMITTEE.

Mr. Lynch moved that Assembly Bill No. 642 be recalled from the Committee on Ways and Means, and placed on file for second reading.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Committee on Election Laws: Assembly Bill No. 866 (Committee Substitute for Assembly Bill No. 369)—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto; and providing for the punishment thereof," approved February 23, 1893.

Bill read first time, and placed on file without reference.

By Committee on Judiciary: Assembly Bill No. 867 (Committee Substitute for Assembly Bills Nos. 405 and 436)—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto to be known as Section 6*a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Bill read first time, and placed on file without reference.

By Mr. Stetson: Assembly Bill No. 868—An Act to amend Section 1240 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bishop: Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hewitt: Assembly Bill No. 870—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

By Mr. Cogswell: Assembly Bill No. 871—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for adjustment and fulfillment of the rights and obligations arising between such new counties.

Bill read first time, and referred to Committee on Counties and County Boundaries.

By Mr. McClellan: Assembly Bill No. 872—An Act to create a fund, to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasurers of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditures by the counties of the moneys so paid.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Cornish: Assembly Bill No. 873—An Act to accept from E. P. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest the title in the State of California of the improvements, buildings, and furnishings therein and thereon at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of $3,000 for the purpose of purchasing ten acres or more of land, and for the improvement thereof, at and about and whereon the said improvements, buildings, and Soda Springs are located, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Lynch: Assembly Bill No. 874—An Act to amend Section 162 of "An Act to establish a uniform system of county and township government," approved April 1, 1897, amended March 19, 1903, and amended March 20, 1905.

Bill read first time, and referred to Committee on County and Township Governments.

By Committee on Military Affairs: Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, and 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Bill read first time, and placed on file without reference.

Also: Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Bill read first time, and placed on file without reference.

Also: Assembly Bill No. 877—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Bill read first time, and placed on file without reference.

By Mr. Whitmore: Assembly Bill No. 878—An Act to provide for drainage by irrigation districts.

Bill read first time, and referred to Committee on Irrigation.

By Mr. Davis: Assembly Bill No. 879—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections, by eliminating all references therein to the party circle on ballots.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Cutten: Assembly Bill No. 880—An Act making an appropriation to repay to Thomas Bair moneys paid by him into the county

treasury of Humboldt County for land purchased by him under location 1223.

Bill read first time, and referred to Committee on Ways and Means.

By Committee on Military Affairs: Assembly Bill No. 881—An Act appropriating $4,500 to pay the claim of J. B. Lauck.

Bill read first time, and placed on file without reference.

By Mr. Hans: Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Bill read first time, and referred to Committee on Municipal Coporations.

By Mr. Wyatt: Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Ludington: Assembly Bill No. 884—An Act authorizing the Governor to appoint a commission to investigate the fish and fishing industry and wild game of the State relative to propagation, preservation, and better protection thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Beardslee: Assembly Bill No. 885—An Act to add to the Code of Civil Procedure of the State of California a new section, to be numbered 530½, relating to injunctions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties jointly with other persons or corporations.

Bill read first time, and referred to Committee on County and Township Governments.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Mr. Wyatt moved a reconsideration of the vote whereby Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings—was passed.

Motion seconded.

MOTION.

Mr. Drew moved that the further consideration of Assembly Bill No. 159 be set as a special order for Monday next, at eleven o'clock A. M.

Motion lost.

The roll was called, and the Assembly refused to reconsider by the following vote:

AYES—Messrs. Birdsall, Bishop, Campbell, Case, Chandler, Cogswell, Devlin, Drew, Hans, Hewitt, John, Johnson of Sacramento, Lynch, McConnell, McKeon, Otis, Per-

cival, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Wessling, Wyatt, and Mr. Speaker—25.

NOES—Messrs. Barry, Baxter, Boyle, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Higgins, Johnson of San Diego, Leeds, Ludington, McGuire, McMullin, Pyle, Root, Sackett, Smith, Snyder, Stetson, Strohl, Whitmore, and Wilson—31.

Assembly Bill No. 159 ordered transmitted to the Senate.

THIRD READING OF BILLS.

Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 295 passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Boyle, Butler, Campbell, Case, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Ludington, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 62 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Boyle, Campbell, Case, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 294 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon,

McMullin, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 235 passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lucas, Ludington, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm-channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 64 passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 12 passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Boyle, Butler, Case, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Smith, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—Mr. Cornish—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 43 passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 153 passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 154 passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lynch, McConnell, McGuire, McKeon, McMullin, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of justices of the Supreme Court for the current fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 155 passed by the following vote:

AYES—Messrs. Barry, Baxter, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 644—An Act making an appropriation of $4,000, to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of landing place at Monterey of Junipero Serra, and the old theatre property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 644 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Case, Chandler, Cogswell, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 395—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collecting thereof, and making the violations of this Act a misdemeanor.

Bill read third time, and passed on file for further consideration.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 371 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Case, Chandler, Cogswell, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 441—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903, by providing a penalty for the violation thereof.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 441 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.

Bill passed on file.

Assembly Bill No. 244—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 244 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Leeds, Ludington, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 545 passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Hewitt, Johnson of Sacramento, Johnson of San Diego, Leeds, Ludington, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366—An Act to amend an Act entitled an Act to provide for the organization and management of county fire insurance companies, approved April 1, 1897, by amending Sections 7, 10, 11, and 12 thereof.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 366 passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Percival, Pyle, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been granted therefor):

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Also: Assembly Bill No. 560—An Act to provide for the joint investigation with the Federal Government of the water resources of the State and to make an appropriation for the expenses of such investigation.

Also: Assembly Bill No. 336—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Also: Assembly Bill No. 786—An Act to amend the Political Code, by adding thereto a new section, to be numbered 419*a*.

Also: Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Also: Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Also: Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Also: Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

The above reported bills ordered on their respective files for second reading.

LEAVE OF ABSENCE.

At twelve o'clock and twenty minutes P. M., Mr. Thompson of San Francisco was granted leave of absence until Monday next.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M., the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Bill passed to foot of file.

Assembly Bill No. 246—An Act to prevent a minor child misrepresenting his age to procure intoxicating liquors.

Bill, on motion of Mr. Stetson, re-referred to Committee on Judiciary.

Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Read third time, and passed on file for further consideration.

Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriations therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 67 passed by the following vote:

AYES—Messrs. Barry, Baxter, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Fratessa, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Pyle, Root, Smith, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California with reference to the appointment of guardians of insane and other incompetent persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 496 passed by the following vote:

AYES—Messrs. Barry, Baxter, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Fratessa, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of the State hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 352 passed by the following vote:

AYES—Messrs. Barry, Baxter, Birdsall, Bishop, Boyle, Butler, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fratessa, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 271 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Devlin, Drew, Estudillo, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 351 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Estudillo, Fratessa, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

LEAVE OF ABSENCE.

Mr. Whitmore, on motion of Mr. Estudillo, was granted leave of absence until Monday, February 18, 1907.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 662—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assemby Bill No. 662 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Devlin, Estudillo, Fratessa, Hammon,

Hans, Hewitt, Higgins, Johnson of Sacramento, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for recording of mortgages of personal property by persons who do not reside in this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 661 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Forbes, Fratessa, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

LEAVE OF ABSENCE.

Mr. Fratessa asked for and was granted leave of absence until Monday, February 18, 1907.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 676 passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hewitt, Higgins, Johnson of Sacramento, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Walsh, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 643—An Act to amend an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section, numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 643 passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hewitt, Higgins, Johnson of Sacramento, Lucas, Lynch, McClellan,

McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Wyatt, and Mr. Speaker—42.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 656 passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

BILL RE-REFERRED.

On motion of Mr. Johnson of Sacramento, Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others, upon real property—was re-referred to Committee on Revision and Reform of Laws.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 322—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Assembly Bill No. 144—An Act to provide for making repairs and for additional equipment at the State Normal School of San Diego, and making an appropriation therefor.

Assembly Bill No. 559—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Assembly Bill No. 97—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the school of agriculture, and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the "Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½; providing for the appointment, duties, and compensation of a secretary of said school.

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Assembly Bill No. 589—An Act to add a new article to Chapter III of Part III of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

Assembly Bill No. 712—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Assembly Bill No. 579—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 8 and 14 thereof and adding a new section thereto, to be numbered and designated Section 9½.

Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Assembly Bill No. 837—An Act to add a new section to the Political Code, to be known as Section 560, relating to the amount of capital stock necessary to be paid up before corporation may be permitted to act as executor, administrator, guardian, assignee, receiver, depository, or trustee.

Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Assembly Bill No. 284—An Act to repeal Title XIII of Part III of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Assembly Bill No. 289—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

ON PUBLIC HEALTH AND QUARANTINE—(OUT OF ORDER).

(Unanimous consent having been obtained for its reception.)

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs and providing penalties for violation thereof.

Also: Assembly Bill No. 658—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17 and by adding a new section thereto.

Also: Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CAMPBELL, Chairman.

The above reported bills, with exception of Senate Bill No. 30, ordered on file for second reading.

Senate Bill No. 30 referred to Committee on Judiciary.

ON CORPORATIONS—(OUT OF ORDER).

(Unanimous consent having been obtained for its reception.)

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 568—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different management—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

WALSH, Chairman.

Assembly Bill No. 568 ordered on file for second reading.

SPECIAL FILE OF SENATE BILLS—THIRD READING.

Committee Substitute for Senate Bill No. 88—An Act to amend the Penal Code, by adding two new sections thereto, to be numbered two hundred and seventy*a* and two hundred and seventy*b*, relating to the neglect and abandonment of wives by husbands, and providing the punishment therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 88 finally passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stetson, Thompson of Los Angeles, Transue, Walsh, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 390 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor—and do now report, and recommend that the same do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

ASSEMBLY JOINT RESOLUTION No. 4.

WHEREAS, Since the recent conflagration in San Francisco the price of all kinds of building material has been advanced to an extent which renders it impossible for thousands of property holders to construct new buildings, thereby seriously retarding the rebuilding of this city; and

WHEREAS, Relief from the present conditions resulting from the exorbitant and prohibitive prices of building material can be had only by the removal or material reduction for a definite period of time of the duties imposed by Congress upon building materials imported from foreign countries; and

WHEREAS, The masses of the people and all political parties within the State demand speedy relief from Congress in the premises; and

WHEREAS, Congress has the undoubted power under the Constitution of the United States, to remove such duties, as was done for the relief of Portland, Maine, after the fire which destroyed a large section of that city, in the year 1866, or to grant relief in the nature of rebates or drawbacks as was done for the relief of Chicago, after the great fire of 1871; and

WHEREAS, The losses sustained and territory burned in the Portland fire were insignificant compared with the losses sustained and territory burned in the San Francisco fire; and

WHEREAS, The losses sustained in the Chicago fire were about one third of those sustained in the San Francisco fire, and the territory devastated equaled about one sixth of the territory burned in this city; now, therefore, be it

Resolved, That the members of Congress from the State of California be requested to support the enactment by Congress of an Act, similar to that passed by Congress for the relief of Chicago, including, however, lumber, which was excepted from the statute relating to Chicago; and be it further

Resolved, That a copy of these resolutions be, by the Clerk, forwarded to each of the said members of Congress.

Assembly Joint Resolution No. 4 read.

The roll was called, and Assembly Joint Resolution No. 4 adopted by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, Lynch, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Walsh, Wyatt, and Mr. Speaker—43.

NOES—None.

Joint resolution ordered transmitted to the Senate.

Assembly Bill No. 791—An Act to add a new section to the Political Code, to be numbered 1617*a*, requiring that the United States flag shall be hoisted on all public school houses and displayed in each school room.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food, and clothing are furnished at the expense of the United States.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 719—An Act to amend Section 443 of the Political Code, relating to the distribution of school funds.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 702—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "that," on line 1, Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "California," on line 3, Section 1, of the printed bill, the following: "except in case of wreck, washout, or breakdown of engine."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "undisturbed," on line 8, Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "that," on line 1, Section 2, of the printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the figures "300," on line 5, Section 2, of the printed bill, and inserting in lieu thereof the figures "100."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein, to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 39—An Act to amend Section 1444 of the Code of Civil Procedure, and relating to the appraisement of estates of deceased persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 247—An Act regulating the loan of money, when as security for such loan a lien is taken upon household furniture and effects, musical instruments, typewriters, and sewing machines, or upon any other personal property.

During second reading of bill, the following amendment was submitted by the committee:

Amend, in line 1, Section 3 of the printed bill, after the figure "3", strike out all of the remainder of said section, and insert in lieu thereof as follows: "All Acts or parts of Acts in conflict herewith are hereby repealed."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of California, relating to mileage of members of the Legislature.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the enacting clause insert: "Section 266 of the Political Code is hereby amended so as to read as follows:"

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting the figures "266" at the beginning of line 1 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Strike out as follows: "En. March 12, 1872. Am'd. 1877-8, 5; 1880, 48. Cal. Rep. Cit. 78, 272. Section conforms to Const. Cal., 1879. Art. 4, Sec. 23," found in line 4, 5, 6, and 7 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "four," in line 3 of Section 1 of the printed bill, and insert the word "five."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

During second reading of bill, the following amendments were submitted by Mr. Wyatt:

AMENDMENT No. 1.

Amend by striking out of Section 1, line 3 of printed bill the figures "230," and inserting in lieu thereof the figures "231."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, line 4 of printed bill the figures "230," and inserting in lieu thereof the figures "231."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 1, line 8 of printed bill the word "its," and inserting in lieu thereof the following: "his."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of line 3 of the title of printed bill the figures "230," and inserting in lieu thereof the figures "231."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

WITHDRAWAL OF BILL.

Mr. Spaulding asked for and was granted unanimous consent to withdraw Assembly Bill No. 419, it being identical with Senate Bill No. 396, now in this House.

Assembly Bill No. 419 withdrawn and ordered stricken from the file, and Senate Bill No. 396 substituted on file therefor.

BILL RE-REFERRED.

On motion of Mr. Coghlan, Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation—was re-referred to the Committee on Federal Relations.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section, to be numbered 8*a*.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "such," in line 7, of Section 5 of the printed bill, and inserting in lieu thereof the word "one."

Amendment adopted.

AMENDMENT No 2.

Strike out the words "or clerks as from time to time may be necessary," found in lines 7 and 8, of Section 5 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement, or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting an enacting clause, as follows:
"The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 767—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 462, relating to burglary with explosives, and the punishment thereof.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "twenty-five," in line 8 of Section 1 of the printed bill, and insert in lieu thereof the word "five."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 693—An Act to amend Section 2165*a* of the Political Code of the State of California, relating to actions and suits on account of acts and omissions in the discharge of official duty.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duty of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 445—An Act to amend Sections 319, 320, 321, 322, 323, 324, 325, and 326 of the Penal Code of the State of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the word "felony," in line 9 of Section 2, page 2 of the printed bill, and insert in lieu thereof the word "misdemeanor."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "felony," in line 11 of Section 3, page 2 of the printed bill, and insert in lieu thereof the word "misdemeanor."

Amendment adopted.

AMENDMENT No. 3.

Strike out the word "felony," in line 9 of Section 4, page 2 of the printed bill, and insert in lieu thereof the word "misdemeanor."

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "felony," in line 16, Section 5, page 3 of the printed bill, and insert in lieu thereof the word "misdemeanor."

Amendment adopted.

AMENDMENT No. 5.

Strike out the word "felony," in line 15 of Section 6, page 3 of the printed bill, and insert in lieu thereof the word "misdemeanor."

Amendment adopted.

AMENDMENT No. 6.

Strike out the word "felony," in line 12 of Section 8, page 4 of the printed bill, and insert in lieu thereof the word "misdemeanor."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title by adding thereto, after the word "cities," the following: "having a population of more than fifteen thousand."

Amendment adopted.

AMENDMENT No. 2.

Insert, after the word "city," in line 4 of Section 1 of the printed bill, the words "having a population of over fifteen thousand according to the general census taken by the government of the United States."

Amendment adopted.

AMENDMENT No. 3.

After the word "which," in line 4 of Section 1 of the printed bill, insert the word "court."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751¾, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 31—An Act to amend Section 718 of the Civil Code, relating to leases.

Bill read second time, and ordered to engrossment.

LEAVE OF ABSENCE.

At four o'clock and fifteen minutes P. M., Mr. Davis asked for and was granted leave of absence for the remainder of the day.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "twenty" and also the figures "($20,000)," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "five" and figures "($5,000)," and by striking out in Section 3, line 2, first page, the words "four thou;" and on second page, line 3, "sand dollars" and figures "($4,000)" and inserting in lieu thereof "two thousand," and the figures "($2,000);" and by striking out the word "eight" on line 4, second page, and the figures "($8,000)" and inserting in lieu thereof the word "two" and the figures "($2,000);" and on line 6 striking out the word "eight" and the figures "($8,000)" and inserting in lieu thereof "one" and the figures "($1,000)."

Amendment adopted.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 486 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe Wagon Road, and for the construction of restraining walls, culverts, bridges, and milestones thereon—and do now report the same back, with amendments, and recommend that the same do pass as amended.

BEARDSLEE, Chairman.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Bill read second time.

Also: Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the John Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Bill read second time.

Also: Assembly Bill No. 624—An Act making an appropriation of five hundred dollars ($500) for the purpose of repairing and preserving the John Marshall monument, at Coloma, and for the care and inprovement of the grounds around said monument.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 428, 623, and 624.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 428, 623, and 624 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Also: Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the John Marshall monument, at Coloma, and for piping the water to the grounds surrounding such monument.

Also: Assembly Bill No. 624—An Act making an appropriation of five hundred dollars ($500) for the purpose of repairing and preserving the John Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

And do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

The above three bills ordered to engrossment.

Assembly Bill No. 844—An Act to repeal Title XVI of Part IV of Division First of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Bill read second time, and ordered to engrossment.

THIRD READING OF BILLS.

Assembly Bill No. 474—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

During the third reading of the bill, Mr. Wyatt moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of second line of the title to said Act and insert in lieu thereof the following: "To Sections 2787 and 2789 of the Political Code, and to add a new section thereto to be known as Section 2802."

Motion carried.

The Speaker appointed Mr. Wyatt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 474, with instructions, do now report that the instructions of the Assembly have been carried out.

WYATT, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to print and reëngrossment.

BILL RE-REFERRED.

Assembly Bill No. 143—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Bill re-referred to Committee on Ways and Means.

SECOND READING OF SENATE BILLS.

Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting in Section 7, on line 14, fourth page, printed bill, after the word "tansy," the word "pennyroyal."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "pennyroyal," in Section 9, on line 8, fourth page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print, and on file for third reading.

Senate Bill No. 165—An Act to amend Sections 3078, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 411—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the additional territory thereto, and taxation thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Bill referred to Committee on Ways and Means.

Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Bill referred to Committee on Ways and Means.

Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Bill referred to Committee on Ways and Means.

Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Bill referred to Committee on Ways and Means.

Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill referred to Committee on Ways and Means.

Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "no," on line 8, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "must," on line 8, Section 1, first page, printed bill, and inserting in lieu thereof the following: "need not."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or balloting machines for receiving and registering the votes in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result of such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "five thousand," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "two thousand five hundred."

Amendment adopted.

Bill read second time.

Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars ($3,000) for the purpose of improving the grounds of Sutter's Fort.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words: "Three Thousand Dollars," and the figures "($3,000)" of title, first page, printed bill, and inserting in lieu thereof the following: "One Thousand Five Hundred Dollars ($1500)."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the following: "three thousand ($3,000)" Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "one thousand five hundred ($1500)."

Amendment adopted.

Bill read second time.

Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 106, 519, and 14.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 106, 519, and 14 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Also: Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars ($3,000) for the purpose of improving the grounds of Sutter's Fort.

And do now report the same, with amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry—and recommend that it do pass.

BEARDSLEE, Chairman.

Senate Bills Nos. 106 and 519 ordered to print, and on file for third reading.

Senate Bill No. 14 ordered on file for third reading.

Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3692, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to reënact said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

During second reading of bill, the following amendment was submitted by Mr. Transue:

In Section 1, after the "period" after the word "year," in line 30, page 2, of the engrossed printed bill, insert the following:

"The parties to any contract of loan, or to any mortgage, deed of trust, or other lien securing any obligation, shall nevertheless have the right to provide by contract that the debtor shall pay all or any taxes or assessments on the money loaned or on the mortgage, deed of trust, or other lien, or on the property thereby covered or the obligation thereby secured, and such contract shall be valid and constitute a waiver by the debtor of all right to treat the payment of such tax or assessment as a payment on the amount loaned or secured or as being to any extent a discharge thereof."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Bill read second time.

Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read second time.

Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriating money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Bill read second time.

Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars ($600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 54, 107, 456, and 517.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 54, 107, 456, and 517 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Also: Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriating money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Also: Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars ($600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

And do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced and referred as indicated, unanimous consent having been obtained for their reception:

By Mr. Transue: Assembly Bill No. 888—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 3524, relating to the sale of certain State lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 889—An Act to authorize the United States of America to sue the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cogswell: Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Thompson of Los Angeles: Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671*a*, relating to the issue of bonds for the support of county high schools.

Bill read first time, and referred to Committee on Education.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

Unanimous consent having been obtained for their reception, the following reports of standing committees were received and read:

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

Also: Assembly Bill No. 204—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation.

Also: Committee Substitute for Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and to add a new section thereto, to be numbered 18½, all relating to the practice of pharmacy and providing a penalty for the violation thereof and for the appointment of a board to be known as the California State Board of Pharmacy.

Also: Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Also: Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CAMPBELL, Chairman.

The above reported bills ordered on file for second reading.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 792—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Also: Assembly Bill No. 793—An Act creating a contingent fund for the use of the State Prison at San Quentin and making an appropriation therefor to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

LYNCH, Chairman.

Assembly Bill No. 792 ordered on file for second reading.

Assembly Bill No. 793 referred to Committee on Ways and Means.

SPECIAL ORDER SET.

On motion of Mr. Transue, Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature—was made a special order for consideration on Monday, February 18, 1907, immediately after the reading of the Journal.

RESOLUTION—(OUT OF ORDER).

Unanimous consent having been obtained for its reception, the following resolution was submitted:

By Mr. Transue:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of John T. Stafford, Sergeant-at-Arms, for the sum of thirty-five dollars and thirteen cents ($35.13), out of the Contingent Fund of the Assembly, and the Treasurer

is hereby directed to pay the same, being in payment of the Assembly's portion—one half—of the expenses incurred by your Committee on Lincoln Memorial Exercises, which were held on Tuesday evening, February 12, 1907, in this chamber, itemized account of which is as follows:

E. H. Cox & Son, decorating and picture	$11 75
Peterson's Orchestra, music	30 50
M. H. Ebel, plants	11 50
Shannon-Conmy Press, "Gettysburg Address,"	16 50
	$70 25

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Saturday, February 16, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 16, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Bell, Berry, Birdsall, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Wyatt, and Mr. Speaker—39.

CALL OF THE HOUSE.

Under Rule 66, Mr. Transue moved a call of the House.

Motion carried.

Time, ten o'clock and fifteen minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following members answered to their names:

Messrs. Berry, Birdsall, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Vogel, Wyatt, and Mr. Speaker—42.

The Chief Clerk announced the absentees.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and twenty-seven minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The Speaker thereupon declared a quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Lucas, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for this day: Messrs. Wessling, Leeds, Strohl, Boyle, Beckett, Cullen, Barry, Beban, Fratessa, Hartmann, Kelly, Kohlman, Toomey, Thompson of San Francisco, and Wilson.

APPROVAL OF JOURNAL.

On motion of Mr. Transue, the Journals of Monday, February 11, and Tuesday, February 12, 1907, were read and approved, as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure—and recommend its passage.

Also: Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to Superior Courts—and recommend its passage.

Also: Assembly Bill No. 804—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members—with four amendments, and recommend its passage as amended.

Also: Assembly Bill No. 495—An Act to amend Section 340 of the Penal Code of the State of California, relating to pawnbrokers—and recommend its passage.

Also: Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds—and recommend its passage.

Also: Assembly Bill No. 629—An Act to amend Section 1578 of the Code of Civil Procedure, relating to mortgages in certain cases—and recommend its passage.

Also: Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians—and recommend its passage.

Also: Assembly Bill No. 631—An Act to provide for the compensation of judges pro tempore of the Superior Court—and recommend its passage.

Also: Assembly Bill No. 524—An Act to add a new section to the Penal Code, to be known as Section 393*a*, to provide for the giving of notice of accidents occurring on any railroad in California—with four amendments, and recommend its passage as amended.

Also: Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property—and recommend its passage.

Also: Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith—with two amendments, and recommend its passage as amended.

Also: Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement therefor by said clerks, and creating a library fund in District Courts of Appeal—and recommend its passage.

Also: Senate Bill No. 126—An Act concerning trespassing of animals upon private land and the recovery of damages resulting therefrom—and recommended its passage.

Also: Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations—with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure—and recommend its passage.

Also: Assembly Bill No. 777—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office—and recommend its passage.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 841—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, etc.—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass.

FINNEY, Chairman.

Assembly Bill No. 841 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 18—Approving the charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter, on the fifth day of February, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

Assembly Concurrent Resolution No. 18 ordered on file for adoption.
Assembly Bill No. 650 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers.

Also have examined and found the following bill correctly reëngrossed:

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

HANS, Chairman.

Assembly Bill No. 794 ordered on file for third reading.
Assembly Bill No. 398 ordered on file for passage.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, city, or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903—have had the same under consideration, and respectfully report the same back, together with one amendment, and recommend that it do pass as amended.

STETSON, Chairman.

Senate Bill No. 51 ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 201—An Act to repeal Article II, of Chapter V, of Title XI, of Part 3, of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Also: Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Also: Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Also: Assembly Bill No. 669—An Act to repeal Title I of Part II of the Political Code, and to substitute therefor a new title, to be known as Title I of Part II of said Code, relating to the chief political divisions of the State.

Also: Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also have had under consideration Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Also: Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Also: Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trade marks.

Also: Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Also: Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Also: Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Also: Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Also: Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Also: Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Also: Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

And respectfully report the same back, and recommend that they do pass.

WYATT, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No. 384—An Act to convert, transfer, and return to the General Fund of the State treasury, all unexpended moneys heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Also: Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the 'Yosemite Valley and Mariposa Big Tree Grove,'" approved April 15, 1880, and all Acts amendatory thereof or supplementary thereto.

Also: Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HAMMON, Chairman.

The above reported bills ordered on file for second reading.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Also: Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California fronting on the Bay of San Diego.

Also: Senate Bill No. 22—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities, or towns.

Also: Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 185—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 232—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 234—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring and repairing the walls in the bathroom and lavatories of the Stockton State Hospital, to appropriate money therefor and to authorize the expenditure of the same.

Also: Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying pipe line from said reservoir and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Also: Senate Bill No. 453—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Also: Senate Bill No. 645—An Act making an appropriation of $4,000, to be expended by the Trustees of the State Normal School at Los Angeles, for any assessments levied by the City of Los Angeles on the land of the State Normal School at Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements on Grand Avenue and Fifth Street, fronting on said property.

Also: Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Also: Senate Bill No. 507—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Also: Senate Bill No. 536—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof defining the practice of dentistry.

Also: Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

Also: Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting and balloting machines, defining their power, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants, and other municipal securities which have become defaced or mutilated.

Also: Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

Also: Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended the following:

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California," relating to the formation of new school districts.

Also: Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Also: Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

And respectfully request that your honorable body concur in the same.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

Senate Bill No. 168 read first time, and referred to Committee on Judiciary.

Senate Bill No. 61 read first time, and referred to Committee on Judiciary.

Senate Bill No. 22 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 65 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 185 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 232 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 234 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 398 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 453 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 645 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 654 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 507 read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Senate Bill No. 536 read first time, and referred to Committee on Judiciary.

Senate Bill No. 588 read first time, and referred to Committee on Election Laws.

Senate Bill No. 646 read first time, and referred to Committee on Election Laws.

Assembly Bills Nos. 528, 565, and 303 ordered to enrollment.

The Clerk was directed to read the Senate amendment to Assembly Bill No. 113.

SENATE AMENDMENT.

On page 1, Section 1, lines 6 and 7, strike out the words "are authorized and required once in every year to," and insert in lieu thereof the following: "must once in every year."

The question being put, "Shall the Assembly concur in the Senate amendment to Assembly Bill No. 113?"

On motion, the further consideration of the Senate amendment and Assembly Bill No. 113 was ordered on file as unfinished business.

The Clerk was directed to read the Senate amendments to Assembly Bill No. 299.

SENATE AMENDMENTS.

Amend by striking out of line 4, page 1 of the printed bill, the following words: "action creating new districts void in certain events."

Also: By striking out the period after the word "events," on line 4, page 1 of the printed bill.

The question being put, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 299?"

On motion, the further consideration of the Senate amendments and Assembly Bill No. 299 was ordered on file as unfinished business.

The Clerk was directed to read the Senate amendments to Assembly Bill No. 7.

SENATE AMENDMENTS.

Strike out, beginning with the words "the annual salary," on line 8, page 1 of the printed bill, down to and including the word "dollars," on line 11, on said page.

Also: On line 4, page 1 of the printed bill, strike out the dollar mark and the figures "3,000," and insert, in lieu thereof the words "three thousand," and then in parentheses the dollar mark and figures "3,000," and then the word "dollars."

Also: On line 7, page 1 of the printed bill, strike out the figures "2,700" and the dollar mark, and then between the word "hundred" and the word "dollars" insert dollar mark and the figures "2,700," in parentheses, and strike out the parentheses around the words "twenty-seven hundred dollars."

The question being put, "Shall the Assembly concur in the Senate amendments to Assembly Bill No. 7?"

On motion, Assembly Bill No. 7, with amendments, was re-referred to the Committee on Judiciary.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Johnson of Sacramento: Assembly Bill No. 892—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California, to pay for janitor services for said court, and to provide for the maintenance of a law library for said court. Also to pay for furnishing and equipping the chambers, court room, clerks' and stenographers' rooms, and the library.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Spaulding: Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bankbook, or statements of his deposit account, within a certain time or be concluded thereby.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake or other public calamity, and prescribing a time within which certain actions shall be commenced.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Costar (by request): Assembly Bill No. 895—An Act to amend Section 1624 of the Civil Code, relating to what contracts must be in writing.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Thompson of Los Angeles: Assembly Bill No. 896—An Act to amend Section 151 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employés.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Wyatt: Assembly Bill No. 897—An Act to amend Section 869 of the Penal Code, relating to the taking and authentication of testimony at preliminary examinations.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Coghlan: Assembly Bill No. 898—An Act creating a Public Relief Commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents and servants, and for their compensation; providing a course of procedure where any person, firm or corporation, or society, has received, held, distributed or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed, for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of the commissioners, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Municipal Corporations.

SPECIAL ORDER SET.

On motion of Mr. Stetson, Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers—was made a special order for consideration on Thursday, February 21, 1907, at two o'clock P. M.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 642—An Act to provide for the government and management of schools for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.

During second reading of bill, the following amendments were submitted by Mr. Thompson of Los Angeles:

AMENDMENT No. 1.

Insert in line 7, Section 12, page 4 of the printed bill, after the word "matron," the following: "upon nomination of the superintendent."

Amendment adopted.

AMENDMENT No. 2.

Strike out of lines 3 to 7 inclusive, in Section 19, page 7, of the printed bill, the following: "all boys received into said school may be retained therein until eighteen years of age, and if not then discharged or on parole, shall be transferred to the Preston School of Industry by said board of trustees, and said board may transfer any boy after he attains the age of sixteen years," and insert in lieu thereof, the following: "the board of trustees may transfer any boy after he attains the age of sixteen years to the Preston School of Industry."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 642 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 642, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Assembly Bill No. 336—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the word "same," Section 4, on line 5, second page, printed bill, the following: "the sum of one hundred thousand dollars to be available immediately; the sum of three hundred thousand dollars shall be available on July 1, 1907; the sum of two hundred thousand dollars shall be available January 1, 1908, and the sum of two hundred thousand dollars thereof shall be available July 1, 1908; *provided*, that no warrants shall be drawn or paid in excess of the amount available at the times specified."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 336 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 336—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same—and do now report the same back with amendments and recommend that the same do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State within which primary elections shall be obligatory and mandatory.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "immediately," on line 2, Section 2, first page, printed bill, and inserting in lieu thereof the following: "from and after July 1, 1907."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "take," on line 2, Section 2, first page, printed bill, and inserting in lieu thereof the following: "be in."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion, now located at Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said Park from said material, and such additional material as may be necessary, two exhibition buildings to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "This Act shall take effect and be in force from and after its passage," Section 8, on lines 1 and 2, third page, printed bill, and inserting in lieu thereof the following: "The money herein appropriated shall be available on January 1, 1908."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 13 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion, now located at Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said Park, from said material, and such additional material as may be necessary, two exhibition buildings to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 417 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure—and do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

BILLS RE-REFERRED.

Assembly Bill No. 762—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Bill re-referred to Committee on Ways and Means.

Assembly Bill No. 763—An Act making an appropriation for the repair of buildings belonging to the State Prison at Folsom, and occupied as residences by the officers and employés thereof.

Bill re-referred to Committee on Ways and Means.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 792—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county, and city and county, school tax.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.

During second reading of bill, the following amendment was submitted by Mr. Lucas:

Amend by striking out of Section 1, line 3, the word "hathceries," and inserting in lieu thereof the following word "hatcheries."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "the first two," on line 5, second page, printed bill, and inserting in lieu thereof the following: "sections two and three."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the comma, after the word "lay," on line 13, third page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "weeks," in line 25, page 8, printed bill, the following: "prior."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles, and simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof,

and by adding three new sections thereto, to be numbered 114*a*, 114*b*, 114*c*, all relating to the fees of registrars, and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word and figure "Section 1," page 1 of the printed bill the words and figures: "Section 114 of an Act entitled."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words and figures, "by amending Section 114 thereof," found in lines 3 and 4 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

After the word and figure "Sec. 2," page 2 of the printed bill, insert the following: "three new sections to be known respectively as Sections 114*a*, 114*b*, and 114*c*, are hereby added to an Act entitled."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words and figures "is hereby amended by adding three new sections thereto, to be known as Sections 114*a*, 114*b*, and 114*c*," found in line 3, page 2, and line 4, page 3, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 377—An Act to add a new section to the Political Code, to be known as Section 1195½, relating to constitutional amendments.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting the word and figure "Section 1" at the beginning of line 1 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of lines 10, 11, and 12 of Section 1 of the printed bill, and inserting in lieu thereof as follows: "The Secretary of State shall also prepare a short statement, showing the purpose of each amendment, which statement must be placed upon the ballot of said election, both sample and official, under the number of the amendment, and there shall be no other description or designation of any amendments."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 416—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Amend the title as follows: "An Act to regulate the licensing and powers of detectives and to provide for the regulation of the business of watchman and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof."

Amendment adopted.

AMENDMENT NO. 2.

Amend by inserting after the enacting clause as follows:

"SECTION 1. Sixty days after the passage of this Act, any person or persons, corporation or firm, who shall carry on or engage in the business of a detective in this State for hire or reward, or who shall advertise his or their business to be that of a detective, or as conducting a detective agency, without first having obtained a license so to do from the Secretary of State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars, or to suffer imprisonment in a county jail not to exceed one year, or both.

SEC. 2. The Secretary of State shall cause to be prepared proper licenses to be issued by him under this Act; and all moneys collected for said licenses by the said Secretary of State shall be paid by him into the General Fund of the State.

SEC. 3. It shall and may be lawful for the Secretary of State to issue a license to such person or persons, corporation or firm applying therefor for the purpose specified in section one of this Act, upon the payment to him of the sum of one hundred dollars, which license shall extend for the period of five years; said license shall be revocable at any and all times for cause shown by proper proof in any superior court in the county wherein said party or parties procuring said license resides or had his or their office, but no license shall be granted unless a petition for the same, accompanied by satisfactory proof of the competency and integrity of such person or persons shall have been made to the said Secretary of State; said proofs to be a petition setting forth the above facts concerning the petitioner, and signed by at least ten reputable citizens and taxpayers of the county wherein the petitioner resides, or has his business headquarters.

SEC. 4. Before entering upon the duties as a detective, as set forth in the license issued by said Secretary of State, the person or persons, corporation or firm, named in said license shall file with the Secretary of the State a good and sufficient bond, to be approved by the Governor, in the sum of three thousand dollars, for the legal and faithful performance of his or their duty; said bond shall be taken in the name of the people of the State of California. Any person injured or aggrieved by any legal act of such person or persons, corporation or firm procuring such license, may bring suit on said bond in the name of the people of the State of California, to his or their use and benefit. Any person or persons, corporation or firm, licensed as aforesaid under this Act, together with his or their employés or operatives, shall be known as detectives, under the name of the individual, corporation or firm obtaining said license. Nothing in this Act shall be construed so as to apply to any detective or detectives appointed by any municipal or county government in this State, or by the Governor of this State, or the Government of the United States.

SEC. 5. Nothing in this Act, so far as obtaining a license is concerned, shall apply to the operatives or employés of any of said business detectives or detective agencies employed regularly or temporarily in their business, by any person or firm licensed under this Act, and any person who shall falsely represent himself as being in the employ of any regularly licensed detective or detective agency in this State shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or be imprisoned in a county jail for not more than six months, or both.

SEC. 6. A license obtained from the said Secretary of the State by any person or persons, corporation or firm mentioned in Section 1 of this Act, shall be sufficient to give the said person or persons obtaining said license, their employés or operatives, the authority to act under said license as a detective in any county in this State.

SEC. 7. A detective within the meaning of this Act shall not be construed to mean armed guards or armed watchmen.

SEC. 8. It shall be unlawful for any person in this State to engage in the business, or act in the capacity of watchman or guard, and bear arms in such capacity, without first having obtained from the board of supervisors or the other legislative authority of any city, city and county, or town in which such occupation is proposed to be engaged in, a permit to act in such capacity, or engage in such business, as a watchman or guard.

SEC. 9. Applicants for such permits shall file an application with the board of supervisors, if desired to be used on or in connection with the premises located outside of incorporated cities or towns within the limits of a county. In incorporated cities and towns, such applications shall be made to the city trustees, common council, or other legislative body of such municipality, and filed with the clerk or secretary thereof. In cities and counties, application shall be made to the board of supervisors or other legislative body, and filed with the clerk thereof. In all such applications, wherever filed, the premises or place for which permission to have watchmen or guards appointed shall be fully described by boundaries; the applicant shall have attached to such application a petition signed by at least twelve reputable citizens of the county, city and county, city and town, setting forth that the applicant is personally known to each of them to have been a resident of the county, city and county, city and town for at least six months immediately preceding the date of the application; that he is a person of good moral character, a citizen of the United States and of this State, a peaceable and law-abiding citizen, and a person whom it would be safe and proper to permit to act in such capacity as such watchman, guard, or private detective.

SEC. 10. On hearing such petition, and by a majority vote of the members of the board of supervisors or other legislative body, the application may be granted, and the applicant be given a permit in writing to act as such watchman or guard, upon the payment of a license fee of one dollar. Such permit shall be renewed each twelve months after the date of the granting of the application in the first instance.

SEC. 11. Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than two hundred and fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than six months, or by both such fine and imprisonment.

SEC. 12. This Act shall take effect and be in force sixty days after its passage.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 626 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School—and do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 786—An Act to amend the Political Code, by adding thereto a new section, to be numbered 419*a*.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 786 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 786, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 560—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "forty," in Section 1, on line 4, page 1, printed bill, and inserting in lieu thereof the words "twenty-three"; and by striking out, in line 8, page 1, the words "twenty-five," and inserting in lieu thereof the words "twelve thousand and five hundred"; and on line 10, page 1, striking out the word "four," and insert in lieu thereof the word "two"; and by striking out, on line 17, page 2, the words "twenty thousand," and inserting in lieu thereof the words "twelve thousand and five hundred"; and by striking out, in Section 3, page 2, the words "eighty-nine," and in lieu thereof insert the word "fifty."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 560 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 560—An Act to provide for the joint investigation with the Federal Government of the water resources of the State and to make an appropriation for the expenses of such investigation—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Assembly Bill No. 658—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a Board of Examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 568—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different management.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding after the period after the word "streets," in line 17 of the printed bill, the following:

"Where such portion of such street shall be occupied by a track or tracks of a different gauge from the track or tracks proposed to be constructed thereon by a line of street railway under a different management, such last mentioned line of street railway may nevertheless construct its track or tracks, subject to the limitation afore prescribed, over the same ground as may be occupied by such prior track or tracks, provided the same can be so constructed as not to interfere with the operation of such prior track or tracks beyond such necessary interference therewith as shall be incident to such construction with reasonable skill, care and diligence.

"SEC. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 204—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation.

Bill read second time, and ordered to engrossment.

Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 84—An Act authorizing the Governor to set apart one day each year to be designated "Bird and Arbor Day," and to request its observance.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Bill read second time.

Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Bill read second time.

Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 193, 194, and 500.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 193, 194, and 500 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Also: Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Also; Senate Bill No. 500—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.

And do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, relating to the practice of pharmacy and providing a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a Board of Examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

Bill read second time, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills were introduced and referred as indicated (unanimous consent having been obtained for their reception):

By Mr. Johnson of Sacramento: Assembly Bill No. 899—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Estudillo: Assembly Bill No. 900—An Act to amend Section 58 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the county and township officers and their terms of office.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Devlin: Assembly Concurrent Resolution No. 20—Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of said City of Vallejo voting thereon at the special election held therein for that purpose on the 5th day of February, 1907.

Assembly Concurrent Resolution referred to Committee on Municipal Corporations.

RE-REFERENCE OF BILL.

Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Bill re-referred to Committee on Banks and Banking.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain

street in the City of Sacramento, to wit: Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILLO, Chairman.

Assembly Bill No. 638 ordered on file for second reading.

THIRD READING OF BILLS.

Assembly Bill No. 527—An Act entitled "An Act to amend Section 671 of the Civil Code."

During the third reading of the bill, Mr. Drew moved that the Speaker appoint a select committee of one, to amend the bill as follows:

Strike out all of lines 3, 4, 5, and 6, after the word and figures "Section 671," and insert in lieu thereof: "Any person whether citizen or alien may take hold and dispose of property, real or personal, within this State, as provided by law."

Motion carried.

The Speaker appointed Mr. Drew as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 527, with instructions, do now report that the instructions of the Assembly have been carried out.

DREW, Select Committee.

Report of select committee and amendment adopted.

Bill read third time, and ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 404—An Act to amend Title I of Part IV of the Civil Code of the State of California by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens.

Bill read third time, and re-referred to Committee on Judiciary.

Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

On motion of Mr. Snyder, Senate Bill No. 14 was re-referred to Committee on Ways and Means.

Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

On motion of Mr. Snyder, Senate Bill No. 54 was re-referred to Committee on Ways and Means.

Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.

During the third reading of the bill, Mr. Thompson of Los Angeles moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of lines 6 to 15, inclusive, in Section 1, on pages 1 and 2 of the printed bill, and insert in lieu thereof the following:

SECTION 10. If the deposit is of mortgages, it shall be accompanied by full abstracts of title or policies of title insurance or certificates of title issued by a duly organized

title insurance company authorized to transact business under the laws of California, and the fees for examination of title, unless accompanied by such certificates of title or policies of title insurance, and the fees for appraisal of property shall be paid by the company making the deposit.

Also: Amend the title by striking out all after the word "deposits" in line 6 thereof, and by inserting in lieu thereof the following: "of mortgages accompanied by an abstract or certificate of title or policy of title insurance."

Motion carried.

The Speaker appointed Mr. Thompson of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 28, with instructions, do now report that the instructions of the Assembly have been carried out.

THOMPSON of Los Angeles, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and on file for third reading.

ADJOURNMENT.

At eleven o'clock and forty-five minutes A. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Monday, February 18, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,

Monday, February 18, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—58.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for this day: Messrs. Lucas, Eshleman, Stanton, Weske, and Leeds.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Wilson, its further reading was dispensed with.

SPECIAL ORDER.

The special order heretofore set for consideration at this hour was taken up, viz:

Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature.

Bill read first time on a previous day.

URGENCY RESOLUTION.

The following resolution was offered:

By Mr. Transue:

Resolved, That Senate Bill No. 754 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—58.

NOES—None.

SECOND READING OF BILL.

Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 754 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 754—An Act making an appropriation for the contingent expenses of the Senate for the thirty-seventh session of the Legislature—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 754 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Also: Assembly Bill No 160—An Act to appropriate the sum of fifty thousand ($50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 215—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 475—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of expenditure thereof.

Also: Assembly Bill No. 214—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Assembly Bill No. 213—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Also: Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 845—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

HELD, Chairman.

The above reported bills, with the exception of Assembly Bill No. 801, referred to the Committee on Ways and Means.

Assembly Bill No. 801 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education regarding fraternities in public schools.

Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code and to add two new sections thereto, to be numbered 608*a*, 608*b*, and 608*c*, all relating to the burning, injuring, or setting adrift of rafts or vessels.

Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions, and prescribing the method of such formation, and of providing funds for said purposes.

Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Assembly Bill No. 606—An Act to repeal Article XIII of Chapter III of Title I of Part III of the Political Code, relative to State Geologist.

Assembly Bill No. 261—An Act to amend Section 1855*a*, of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made, pursuant to or under a judgment or order of court, shall prima facie be deemed made under proceedings duly had.

Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment.

Assembly Bill No. 27—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Assembly Bill No 448—An Act to add a new section to the Civil Code, to be known and numbered as Section 468*a*, providing for the management of railroad trains in crossing drawbridges.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Assembly Bill No. 557—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals.

Assembly Bill No. 379—An Act to add a new section to the Penal Code, to be numbered Section 928*a*, and relating to the powers of grand jurors.

Assembly Bill No. 542—An Act to amend Section 1771 of the Political Code, relating to duties of county boards of education.

Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

Assembly Bill No. 206—An Act compelling railroads doing business in this State as common carriers of passengers and freight to have, keep, operate, and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to keep, operate, and maintain freight warehouses for the purpose of receiving and discharging freight in any municipal corporation, incorporated city, or city and county, or incorporated town traversed by the tracks or road of any railroad; also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act.

Assembly Bill No. 222—An Act to amend Section 10 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved

March 20, 1905, providing for the disposition of pension moneys belonging to deceased members.

Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in banks.

Assembly Bill No. 657—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work and known as Children's Home-Finding Societies.

Also: Beg leave to report that the following Assembly bills have been correctly reëngrossed:

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

The above reported reëngrossed bills were ordered on file for passage.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of John T. Stafford, Sergeant-at-Arms, for the sum of thirty-five dollars and thirteen cents ($35.13), out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same, being in payment of the Assembly's portion—one half—of the expenses incurred by your Committee on Lincoln Memorial Exercises, which were held on Tuesday evening, February 12, 1907, in this Chamber, itemized account of which is as follows:

E. H. Cox & Son, decorating and picture	$11 75
Peterson's Orchestra, music	30 50
M. H. Ebel, plants	11 50
Shannon-Conmy Press, "Gettysburg Address"	16 50
	$70 25

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

Mr. Transue moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cornish, Costar, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—53.

NOES—None.

ON LOS ANGELES DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Los Angeles Delegation, to whom was referred Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifica-

tions of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TRANSUE, Chairman.

Assembly Bill No. 839 ordered on file for second reading.

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the following report and resolution:

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was granted leave of absence to visit San Francisco harbor, have visited the same as in their report set forth.

The following members are entitled to mileage for the same, to wit, 90 miles each way, total 180 miles:

C. P. Cutten, Chairman	$18 00
Henry Thompson	18 00
P. F. Fratessa	18 00
S. T. Kohlman	18 00
J. A. Wilson	18 00
D. J. Toomey	18 00

And we ask the adoption of the following resolution:

Resolved, That the Controller be and he is directed to draw his warrant in favor of C. P. Cutten, chairman of said committee, for the sum of one hundred and eight ($108.00) dollars, as per above statement, said warrant to be drawn upon the fund for the contingent expenses of the Assembly, and the Treasurer be directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BARRY, Chairman.

Mr. Beckett moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Smyth, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the following report and resolution:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was granted leave of absence to visit the State prisons and reformatory institutions of California, to inquire into their need and the condition of their inmates, have visited the State Reform School at Whittier, and the following members are entitled to mileage, to wit, 980 miles for traveling to Whittier and return, as follows: P. J. Boyle, John A. Cullen, Edw. I. Butler, Geo. F. Snyder, D. W. Barry, Fred E Pierce, H. W. McMullin, E. S. Birdsall, E. J. Lynch; and your committee ask that the following resolution be adopted:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of E J. Lynch, chairman of the committee, for the sum of $882, as per above statement, said warrant to be drawn on the Contingent Fund of the Assembly, and the Treasurer be and he is hereby directed to pay the same.

LYNCH, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BARRY, Chairman.

Mr. Transue moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes

Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of San Diego, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—None.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 380—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a Home telephone system at the Napa State Hospital between the various wards and departments thereof, and making an appropriation therefor.

Also: Assembly Bill No. 381—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying a pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 382—An Act authorizing and directing the remodeling and furnishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

HELD, Chairman.

The above reported bills referred to Committee on Ways and Means.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereto, and repealing Section 580 of the Civil Code—report the same back, and ask that it be restored to its original place on file, as it was inadvertently referred to the above committee.

SPAULDING, Chairman.

Mr. Spaulding moved the adoption of the report.

Motion carried.

Senate Bill No. 396 ordered restored to its original place on the file.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885," approved March 16, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESTUDILLO, Chairman.

Senate Bill No. 5 ordered on file for second reading.

ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on State Library, to whom was referred Assembly Bill No 640—An Act to add a new section to the Political Code, to be numbered Section 295*a*, and relating to supplying the State Library with State publications for exchange purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

O'BRIEN, Chairman.

Assembly Bill No. 640 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 844—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Assembly Bill No. 624—An Act making an appropriation of five hundred dollars ($500.00) for the purpose of repairing and preserving the John Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Assembly Bill No. 623—An Act making an appropriation of two hundred and fifty dollars ($250.00). for the purchase of a certain spring of water near the John Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Assembly Bill No. 31—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751¾, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

Assembly Bill No. 693—An Act to amend Section 2165*a* of the Political Code of the State of California, relating to actions and suits on account of acts and omissions in the discharge of official duty.

Assembly Bill No. 39—An Act to amend Section 1444 of the Code of Civil Procedure, and relating to the appraisement of estates of deceased persons.

Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Assembly Bill No. 719—An Act to amend Section 443 of the Political Code, relating to the distribution of school funds.

Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.

Assembly Bill No. 791—An Act to add a new section to the Political Code, to be numbered 1617*a*, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom.

Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Assembly Bill No. 792—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county and city and county school tax.

Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure stating the definition of a deposition.

Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure relative to the manner of taking depositions out of the State.

Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change.

Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.

Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Assembly Bill No. 786—An Act to amend the Political Code by adding thereto a new section to be numbered 419*a*.

Assembly Bill No. 658—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17 and by adding a new section thereto.

Assembly Bill No. 204—An Act for the prevention of the manufacture, sale or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserve for commercial purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CORNISH, Chairman.

Assembly Bill No. 572 ordered on file for second reading.

MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil action.

Also: Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Also: Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Also: Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110*a*, requiring notice to be given to the real parties in interest in certain proceedings.

Also: Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Also: Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Also: Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Also: Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Also: Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Also: Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Also: Senate Bill No. 217—An Act to amend Section 728 of the Code of Civil Procedure, relating to sales in actions to foreclose mortgages.

Also: Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Also: Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599*f*, both relating to the killing of any elk within the State of California.

Also: Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public places of amusement for more than the original price thereof.

Also: Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to action for the usurpation of an office or franchise.

Also: Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700*a*, both relating to execution sales.

Also: Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Also: Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Also: Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Also: Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court, and to repeal Section 2104 of said Code.

Also: Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Also: Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Also: Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Also: Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure, and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Also: Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Also: Senate Bill No. 308—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers.

Also: Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Also: Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Also: Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Also: Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to execution in civil cases.

Also: Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Also: Senate Bill No. 330—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Also: Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

Also: Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

Also: Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Also: Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975*a*, providing for the transfer of certain moneys from one county to another when a new county has been formed and organized.

Also: Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Also: Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Also: Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV, of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

Also: Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975*b*, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Also: Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the time in which appeals may be taken in criminal actions.

Also: Senate Bill No. 324—An Act to amend Section 625 of the Code of Civil Procedure, relating to when a general or special verdict may be rendered.

Also: Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the superior court for trial of contested election cases.

Also: Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto, to be known as Section 273*f* thereof, both relating to the protection of children under eighteen years of age.

Also: Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 208 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 203 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 209 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 201 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 202 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 204 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 205 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 211 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 215 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 216 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 217 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 218 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 362 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 361 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 213 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 219 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 210 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 313 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 317 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 321 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 303 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 304 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 305 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 306 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 307 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 308 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 312 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 314 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 320 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 220 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 359 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 330 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 415 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 416 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 417 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 418 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 423 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 483 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 485 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 486 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 424 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 484 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 357 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 324 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 421 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 622 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 641 read first time, and referred to Committee on Revision and Reform of Laws.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Root: Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of

carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Sackett: Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.

Bill read first time, and referred to Committee on Education.

By Mr. Estudillo: Assembly Bill No 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor and designating the fund out of which the expenses of such office shall be paid.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also (by request): Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Strohl: Assembly Bill No. 905—An Act to amend Section 4242 of the Political Code, relating to the indorsement and delivery of instruments, papers and notices by county recorders.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hammon: Assembly Bill No. 906—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Drew: Assembly Bill No. 908—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Butler: Assembly Bill No. 909—An Act to amend Section 1373 of the Penal Code, relating to insane defendants in criminal cases committed to State hospitals.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 910—An Act to amend Section 928 of the Penal Code, relating to the powers and duties of grand juries.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Whitmore: Assembly Bill No. 911—An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Root: Assembly Joint Resolution No. 7—Relative to the mining interests of the State of California.

Referred to Committee on Mines and Mining.

BILL RECALLED FROM ENGROSSMENT.

Mr. Johnson of Sacramento moved that Assembly Bill No. 240—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13—be recalled from engrossment for the purpose of having same sent to reprint.

Motion carried, and such was the order.

RE-REFERENCE OF BILLS.

On motion of Mr. Lynch, Assembly Bill No. 871—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties—was recalled from the Committee on Swamp and Overflowed Lands and Drainage, and referred to Committee on Levees and River Improvements.

WITHDRAWAL OF ASSEMBLY BILL NO. 27.

Mr. McClellan asked for and was granted unanimous consent to withdraw Assembly Bill No. 27—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof—it being identical with Senate Bill No. 295, now in this House.

Assembly Bill No. 27 withdrawn and ordered stricken from the file.

ASSEMBLY CONCURRENT RESOLUTION NO. 18.

Approving the charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter, on the 5th day of February, 1907.

WHEREAS, The City of Long Beach, a municipal corporation of the County of Los Angeles, State of California, now is and was at all times herein referred to, a city containing a population of more than ten thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the first day of October, 1906, under and in accordance with the law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of the said City of Long Beach; and

WHEREAS, The said charter was on the 3rd day of December, 1906, signed in duplicate by the members of said board of freeholders and was thereupon duly

returned and filed, one copy with the president of the board of trustees of said City of Long Beach, and the other copy with the county recorder of said County of Los Angeles, and filed in the office of said county recorder; and

WHEREAS, Said proposed charter, together with two alternative propositions, was thereafter published in the Daily Telegram and in the Long Beach Tribune, each being daily newspapers of general circulation, printed, published and circulated in the said City of Long Beach, and the said charter being published, as aforesaid, for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said charter; and

WHEREAS, Within not less than thirty days after the completion of said publication the said charter, together with said alternative propositions, was submitted by the Board of Trustees of the City of Long Beach to the qualified electors of said City of Long Beach at a special election previously duly called and therein held on the 5th day of February, 1907, for the purpose of ratifying or rejecting said proposed charter and for adopting or rejecting alternative proposition No. 1, or alternative proposition No. 2, published with said charter and presented with said charter for the choice of said voters and to be voted on separately, said alternative propositions being as follows:

"ALTERNATIVE PROPOSITION No. 1.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tippling house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to hotels containing not less than fifty bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the council; *and provided further*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician, regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 2. Any person violating Section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had."

"ALTERNATIVE PROPOSITION No. 2.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tippling house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 2. Any person violating Section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had."

AND WHEREAS, at said last mentioned special election a majority of such qualified voters of said city voting at such special election, voted in favor of a ratification of such charter, as proposed, as a whole; and Alternative Proposition No. Two was also ratified at the same time and in the same manner, and received a majority of the votes of the qualified electors of said city, voting at such special election, and thereupon became Article XIII of said proposed charter; said Alternative Proposition No. One being rejected and failing to receive a majority of the votes cast by the electors at such special election; and

WHEREAS, The returns of said election were duly canvassed by the said board of trustees of the City of Long Beach at a meeting held on the 11th day of February, 1907, (which such meeting was duly convened); and

WHEREAS, Said board of trustees, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at such special election had voted for and ratified said charter, and had also voted for, adopted and ratified said Alternative Proposition No. Two; and

WHEREAS, Said charter, as so constituted by its ratification as a whole, and by the ratification of said Alternative Proposition No. Two, is now submitted to the legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI, of the Constitution of the State of California; and

WHEREAS, Said charter, so ratified, is in the words and figures as follows, to wit:

CHARTER FOR THE CITY OF LONG BEACH.

ARTICLE I.

BOUNDARIES OF THE CITY AND OF THE WARDS AND GENERAL POWERS.

SECTION 1. The municipal corporation now existing, known as the City of Long Beach, shall continue to be a body corporate and politic under the name of the City of Long Beach and with the following boundaries, to wit:

Description of Boundary of the City of Long Beach as incorporated on December 6, 1897.

Commencing at the southeast corner of Anaheim Road and Alamitos Avenue, and running thence westerly along the south boundary line of said road to its intersection with the west boundary line of Long Beach Township; thence southerly along the said westerly boundary line of Long Beach Township to the shore of the Pacific Ocean; thence due south three English miles; thence running easterly and parallel with the shore of the Pacific Ocean to a point three English miles due south of the east boundary line of Sixth Place, as shown by map of Alamitos Beach townsite, recorded in Book 59, pages 11 and 12, miscellaneous records of said county; thence north to the intersection of the east boundary line of Sixth Place with the shore of the Pacific Ocean; thence northerly along the east line of Sixth Place, across Ocean Avenue, to a point 100 feet east of the east line of Descanso Avenue; thence northerly parallel with Descanso Avenue to the south boundary line of Bishop Street; thence westerly along the south boundary line of Bishop Street to the southwest corner of Bishop street and Descanso Avenue; thence northerly along the west boundary line of Descanso Avenue to the south boundary line of Fourth Street; thence westerly along the south boundary line of Fourth Street to the east boundary line of Alamitos Avenue; thence northerly along the east boundary line of Alamitos Avenue to the place of beginning.

Description of Boundary annexing Terminal Island and East San Pedro August, 1905.

Beginning at the northwest corner of the City of Long Beach, in the County of Los Angeles, California, thence westerly along the southerly line of the Anaheim Road 7104.2 feet, more or less, to a point 200 feet east of the northeast corner of Block 26, Range 8, of Wilmington, as per Los Angeles County Clerk's filed Map, No. 80, Los Angeles County Superior Court case No. 6395, *Banning* vs. *Banning;* thence south 3 degrees east 1061.2 feet to a point; thence southwesterly 4200 feet to a point, said point being south 43 degrees, one minute, 23 seconds east, 1000 feet distant from the center of the line of the right of way of the Southern Pacific Railroad Company; thence southwesterly and parallel with the said center line to a point in the line between the northwest and southwest quarters of Section 8, Township 5 south, Range 13 west, S. B. M. (Patent 9, 274); thence southwesterly in a direct line to the northeast corner of the City of San Pedro; thence southerly along the easterly boundary of the City of San Pedro, to the southeast corner of said City of San Pedro; thence southeasterly to a point 1200 feet due south of the United States Government triangulation point on Dead Man's Island; thence south 70 degrees east to a point three miles distant from the coast line of the Pacific Ocean; thence easterly and parallel with said coast line to the southwest corner of the City of Long Beach; thence northerly along the westerly boundary line of the City of Long Beach to the place of beginning.

Description of the Boundary of the Territory East of the City of Long Beach, annexed October 1905, by Resolution No. 612.

Beginning at the northwest corner of Lot 16, Block 132, Alamitos Beach Townsite, as per map recorded in book of Maps 1, page 63, Records of Los Angeles County; thence easterly along the southerly line of the alleys running through Blocks 132, 131, 130, 129, 128 and 127 of said Alamitos Beach Townsite to the intersection of its prolongation with the easterly line of Junipero Avenue; thence southwesterly along the easterly line of said Junipero Avenue to its intersection with the northerly line of Railway Street; thence easterly along said northerly line to a point 100 feet easterly of intersection of the prolonged easterly line of Paloma Avenue with the said northerly line of Railway Street; thence in a line south 14 degrees west to a point three miles distant from the shore of the Pacific Ocean; thence westerly and parallel with the shore line of the Pacific Ocean to the southeast corner of the City of Long Beach; thence northerly and along the east boundary of the City of Long Beach to the point of beginning.

Description of the Boundary of the Territory North and West of Long Beach, annexed December, 1905.

Commencing at the corporate limits of the City of Long Beach at the intersection of the south line of Anaheim Road or Street and the easterly line of Alamitos Avenue, thence northeasterly to the northeast corner of the intersection of Anaheim Road or Street and Alamitos Avenue; thence west along the north line of Anaheim Road or Street to the east line of Atlantic Avenue; thence north along the east line of Atlantic Avenue to the north line of Hill Street; thence west along the north line of Hill Street to the west line of Pacific Avenue; thence south along the west line of Pacific Avenue to the north line of State Street; thence west along the north line of State Street and the prolongation of the said north line of State Street, west to its intersection with the compromise line between the Ranchos San Pedro and the Ranchos Los Cerritos; thence south 85 degrees west to a point on the easterly line of Wilmington or "New San Pedro," as shown on map in Book 6, page 66 of Deeds, in the records of Los Angeles County; thence south 17 degrees 25 minutes east (magnetic course) to Station C of the survey of said "New San Pedro;" thence south 43 degrees west (magnetic course) 73.60 chains to Station B of the survey of said "New San Pedro;" thence south 82 degrees 30 minutes east (magnetic course) 300 feet to a point; thence south 7 degrees 30 minutes west (magnetic course) 393.28 feet to a point; thence south 34 degrees west (magnetic course) 400 feet to a point; thence south (magnetic course) 878.72 feet to a point; thence south 57 degrees 30 minutes west (magnetic course) 442.68 feet to a point; thence north 80 degrees 45 minutes west (magnetic course) 1222 feet to a point; thence north 86 degrees 15 minutes west (magnetic course) 1294.82 feet to a point; thence north 2 degrees 30 minutes west (magnetic course) 397.29 feet to a point; thence north 78 degrees 45 minutes west (magnetic course) 130.53 feet to a point; thence south 65 degrees 45 minutes west (magnetic course) 474.21 feet to a point; thence north 24 degrees 15 minutes west (magnetic course) 300 feet to a point; thence south 65 degrees 45 minutes west (magnetic course) 23.36 chains to a point, said point being Station O of said survey of "New San Pedro"; thence south 88 degrees 45 minutes west (magnetic course) 10.46 chains to Station P of said survey; thence south 72 degrees 35 minutes west (magnetic course) to a point in the Wilmington and San Pedro Road, as shown on County Surveyor's field map 1024; thence following said Road survey as shown in said County Surveyor's map 1024 in a general southwesterly and westerly direction to its intersection with the San Pedro branch of the Los Angeles Interurban Railway, the said intersection being between stations 88 73.5 and 99 29 of said County Survey No. 1024; thence easterly in a straight line to a point in the center line of the right of way of the Southern Pacific Railroad from San Pedro to Wilmington, said point being 1920 feet northerly measured along said center line of the said Southern Pacific Railroad, from its intersection with the present northerly boundary line of the City of San Pedro; thence easterly to a point in the line between the northwest and the southwest quarters of Section 8, Township 5 south, Range 13 west, S. B. M. (Patent 9-274) said point being 1000 feet distant from the center line of the Southern Pacific Railroad, and being also a point in the present westerly boundary line of the City of Long Beach; thence northeasterly along the present boundary line of the City of Long Beach parallel with the Southern Pacific Railroad and 1000 feet therefrom to a point described in the present westerly boundary line of the City of Long Beach as being south 43 degrees 1 minute 23 seconds east and 1000 feet distant from the center line of the Southern Pacific Railroad; thence northeasterly along the present boundary line of the City of Long Beach 4200 feet to a point; thence along said boundary line of the City of Long Beach north 3 degrees west 1061.2 feet to a point in the southerly line of the Anaheim Road, said point being 200 feet east of the northeast corner of Block 26, Range 8 of Wilmington, as per Los Angeles County Clerk's field map No. 80, Los Angeles County Superior Court Case No. 6395; thence easterly along the southerly line of Anaheim Road to the point of beginning.

Boundaries of City Wards.

All that part of the City of Long Beach lying east of the center line of Alamitos Avenue shall constitute the First Ward.

All that part of the City of Long Beach lying between the center line of Alamitos Avenue and the center line of Linden Avenue and south of the center line of Anaheim Street shall constitute the Second Ward.

All that part of the City of Long Beach lying between the center line of Linden Avenue and the center line of Pine Avenue and south of Anaheim Street shall constitute the Third Ward.

All that part of the City of Long Beach lying between the center line of Pine Avenue and the center line of Magnolia Avenue and south of Anaheim Street shall constitute the Fourth Ward.

All that part of the City of Long Beach lying between the center lines of Magnolia Avenue and Magnolia Lane and the west line of Long Beach Township shall constitute the Fifth Ward.

All that part of the City of Long Beach lying west of the west line of Long Beach Township shall constitute the Sixth Ward.

And all that part of the City of Long Beach lying between the center lines of Magnolia Lane, Magnolia Avenue and Pacific Avenue north of State and the center line of Atlantic Avenue and north of the center line of Anaheim street shall constitute the Seventh Ward.

GENERAL POWERS.

SEC. 3. The said city shall continue vested with all the property of every kind belonging to it and shall have the power:

First—To have perpetual succession.

Second—To have and use a corporate seal and alter it at pleasure.

Third—To sue and be sued in all courts and places and in all actions and proceedings whatever.

Fourth—To purchase, receive, have, take, hold, lease, use and enjoy property of every kind and description, both within and without the limits of said city, and control and dispose of the same for the general benefit.

Fifth—To receive bequests, devises and donations of property, both within and without the corporate limits of the City of Long Beach, in the manner and for the purposes, and upon such trusts and conditions as are now or may hereafter be in accordance with the general law.

Sixth—To acquire, erect, construct, and maintain public buildings, schools, kindergartens, libraries, hospitals, markets, baths, fountains, prisons, work houses, piers, wharves, museums, life saving stations, pavilions, morgues and crematories.

Seventh—To acquire, improve and maintain public parks, cemeteries and sewer farms, both within and without the city, to regulate the same and to exclude cemeteries from the limits of the city or any portion thereof and to discontinue the same

Eighth—To provide for supplying the city and its inhabitants with water and gas, electricity or either, or with other means of heat, illumination or power; and to acquire or construct and to lease or operate, and to regulate the construction or operation of conduits or of railroads, or other means of transit or transportation, and of plants and equipments for the production or transmission of gas, electricity, heat, refrigeration or power, in any of their forms, by pipes, wires or other means; and to incur a bonded indebtedness for any of such purposes, *provided* the question of the issue of bonds therefor shall first be submitted to the qualified electors of the city at a special or general election, and that two-thirds of the vote cast on the question of the said issue of bonds shall have been cast in favor thereof.

Ninth—To provide for the care of the sick and the helpless and to make regulations to prevent the spread of epidemic, contagious and loathsome diseases.

Tenth—To establish and change the grade and to lay out, open, extend, widen, change, vacate, pave, repave, gravel, oil, surface, resurface and improve streets, alleys, sidewalks, crossings and other highways and public squares and places and to make provision for cleaning, sprinkling and oiling the same.

Eleventh—To build, alter, improve, keep in repair and control the water front of said city; to build, alter, improve and keep in repair wharves, piers, chutes, and to fix the rate of wharfage and transit; to provide for the regulation of berths, landing, stationing and removing of steamboats, sailing vessels, rafts and other crafts, and to fix the rate of speed at which steamboats and other craft may run along the water front of the city.

Twelfth—To provide against the existence of filth, garbage and other injurious and inconvenient matter within the city and for the disposition of the same.

Thirteenth—To levy and collect taxes upon all property for all municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of principal and interest on any bonds of the said city or for school purposes, shall not exceed one dollar on each one hundred dollars worth of taxable property in the said city, except as hereinafter provided. And to levy assessments upon property to pay for the improvement of streets and other public improvements, and to collect the same, and to levy and collect taxes upon property for municipal purposes; *provided*, that the tax levied for any one year, for all municipal purposes, other than payment of interest on the municipal debt and the redemption of bonds, or for school purposes, shall not exceed $1. on each $100.00 worth of taxable property.

Fourteenth—To levy taxes exceeding the limit permitted in this charter; *provided* that before such levy can be made the proposition to make such levy shall have been first approved by three-fifths of the qualified electors of the city voting at a special election called for that purpose by the city council.

Fifteenth—To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations, and kinds of business carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement and such professions, trades and callings, occupations and kinds of business in said city and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress, prohibit, hawking, peddling, and the carrying on

of any laundry, livery and sale stable, cattle or horse corral, feed yard, horse clipping establishment, bill boards, planing mills, rolling mills, oil wells, furnaces, chimneys and smoke stacks, tanks or refineries, foundries, brick yards, slaughter houses or butcher shops, and the keeping of bees, cattle, poultry or pigeons within the limits or within any designated portion of said city; and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, saloons, bars, bar rooms, or any other places where spirituous, vinous, malt or other intoxicating liquors are sold or given away, and any and all obnoxious, offensive, immoral, indecent or disreputable places or practices within the said city.

Sixteenth—To regulate or prohibit the sale, keeping, storing and use of powder, fireworks, dynamite, nitro-glycerine and other explosive materials and substances, the places of their manufacture, or storage, and their transportation; and to regulate the storage of hay, straw and other inflammable materials, and the use of steam boilers, gas and gasoline engines.

Seventeenth—To require every railroad corporation or company to pave and keep in repair between the tracks and for the distance of two feet on each side of the tracks, all streets occupied or used by such corporation or company.

Eighteenth—To fix and determine annually the rates of compensation to be collected by any person, firm, company or corporation in the city for the use of water, gas and electricity, or any public service supplied to the city or the inhabitants thereof; also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of any and all ordinances passed in reference to matters contained in this subdivision.

Nineteenth—To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met.

Twentieth—To contract for all necessary printing.

Twenty-first—To regulate the speed of railway engines, cars and trains passing through or operating within the city, and to require railway companies either to station flagmen or place sufficient automatic warning signals and signal bells at street crossings; to require street cars to be provided with fenders and other appliances for the protection of the public; to regulate the speed with which persons may ride or drive or propel bicycles, tricycles, automobiles or other vehicles, or drive any horse or other animal along or upon any of the streets or highways of the city.

Twenty-second—To create offices other than those established by this charter or by the general laws, whenever the public convenience or necessity may require the same, and to prescribe the duties pertaining to the offices thus created, and to provide for the election or appointment, and to fix the compensation of the officers to fill the same. (But this shall not be construed to authorize the creation of new offices and the appointment of other officers to perform the duties by this charter assigned to officers provided for herein, other than the necessary deputies and assistants to the officers of said city.)

Twenty-third—To make, adopt and enforce all necessary rules and regulations for the prevention of fire, floods and riots, and to make and enforce all such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and preserve the health of the inhabitants of the city.

Twenty-fourth—To prescribe the manner in which, the times at which, and the places where elections shall be held in said city, and to appoint the officers to conduct such elections and provide for their compensation.

Twenty-fifth—To make the violation of its ordinances a misdemeanor and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine or imprisonment; *provided, however*, that such fine shall not exceed five hundred ($500.00) dollars and such imprisonment shall not exceed six months.

Twenty-sixth—To acquire, by purchase, condemnation or other lawful means, property, both real and personal, including water and water rights, within or without the corporate limits, necessary or convenient for municipal purposes, or for the exercises of the powers granted to said corporation.

Twenty-seventh—To regulate or control the carrying of freight through any part of the city on, along or upon any of its streets or alleys.

Twenty-eighth—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not, except such powers as are forbidden or controlled by general law.

Twenty-ninth—No franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by a vote of two-thirds of the whole council, nor for a longer period than twenty-one years. Such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three years nor less than six months before the termination of such grant, the

plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any valuation derived from the franchise. *Provided, however*, that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant.

ARTICLE II.

OFFICERS.

The officers of the city shall be:
A Mayor.
Seven members of the City Council.
A Clerk who shall be ex-officio Assessor.
Attorney.
Treasurer.
Police Judge.
Auditor.
Tax and License Collector.
Board of Public Works.
Civil Service Commission.
Police Commission.
Fire Commission.
Board of Health.
Library Commission.
Board of Education.

SEC. 2. Every officer provided for in his charter shall, within ten days after receiving his certificate of election or appointment, qualify by giving the bond required by this charter or the ordinances of the city, and by taking or subscribing to the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States, and the constitution and laws of the State of California, and I will faithfully discharge the duties of the office according to the best of my ability."

ARTICLE III.

SALARIES OF OFFICERS.

SECTION 1. The officers of this city, in this section named, shall receive, in full compensation for all services rendered by them the following salaries, payable in equal monthly installments at the end of each calendar month, viz:

The mayor, eighteen hundred dollars per annum;

Each member of the council, three dollars for each regular meeting of the council which such member shall attend: *provided* that the number of meetings for which compensation shall be paid shall not exceed five during any month;

The clerk who is ex-officio assessor, twelve hundred dollars per annum;

The treasurer, five hundred dollars per annum;

The city attorney, fifteen hundred dollars per annum;

The tax and license collector, one thousand dollars per annum;

The auditor, one thousand dollars per annum;

The police judge, one thousand dollars per annum.

SEC. 2. Except as is otherwise herein provided, the members of the various boards and commissions will serve without compensation.

SEC. 3. In all cases not otherwise provided for in this charter the city council shall, by ordinance, fix the salaries and other compensation of officers and employees.

SEC. 4. No officer or employee of the city shall receive or accept any fee, recompense or compensation for the discharge of any duty of his office from any person or corporation other than the city.

ARTICLE IV.

BONDS OF OFFICERS.

SECTION 1. Officers and employees of the city before entering upon the discharge of their official duties shall give and execute to the city such official bonds as may be required by general law, this charter or the ordinances of the city.

SEC. 2. When the amount of bond is not fixed by law or by this charter, it shall be fixed by an ordinance of the city council.

SEC. 3. Every bond given by any officer or employee must be approved as to form by the city attorney, and all bonds, excepting the bond of the mayor, must be approved by the mayor. The bond of the mayor must be approved by the

council and such approval must be endorsed thereon by the president of that body. The approval of every official bond must be endorsed thereon and signed by the officers approving the same. Upon the approval of a bond it must be recorded in the office of the city clerk in a book kept for that purpose. After recording, the bond of the mayor shall be filed and kept in the office of the city clerk. All other official bonds shall be filed and kept in the office of the mayor.

SEC. 4. The following named officers shall execute official bonds to the city with sureties in the following sums, viz:

The mayor in the sum of ten thousand dollars;
The treasurer, in the sum of fifty thousand dollars;
The clerk and ex-officio assessor, in the sum of ten thousand dollars;
The auditor, in the sum of ten thousand dollars;
The tax and license collector, in the sum of fifty thousand dollars;
The police judge in the sum of five thousand dollars;

Such other and additional bonds may be required from time to time as the city council may deem proper.

SEC. 5. The city may at any time, by ordinance, increase the penal sum of any such bonds.

SEC. 6. No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond. Every such bond shall contain a condition that the principal will perform all official duties then, or which may thereafter be imposed upon or required of him by law, by ordinance or by this charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such. Such bond must also be executed by two or more sureties who shall justify in the amount required for such bond; but when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions therof, not less than one thousand dollars. When there are more than two sureties, such sureties may justify in an amount which in the aggregate shall equal the amount of the bond. In giving such official bonds, the principal giving the same may furnish as one of the sureties, or as the sole surety thereon, any of the lawfully authorized surety companies described in sections ten hundred and fifty-six and ten hundred and fifty-seven of the Code of Civil Procedure of the State of California.

SEC. 7. Every surety upon an official bond, other than such lawfully authorized surety companies, must make affidavit which shall be endorsed upon such bonds, that he is a resident of the county of Los Angeles, that he is the owner of real estate therein over and above such as is legally free from execution or forced sale worth double the amount of his undertaking. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the aforesaid officers whose duty it is to approve such bonds.

SEC. 8. The city council may, by resolution, adopted at a regular meeting, require of any officer or employee an additional bond whenever in the opinion of such council the bond given by such official or employee for any reason becomes insufficient.

SEC. 9. Every officer of the city shall be liable on his official bond for the acts and omissions of his deputies, assistants or clerks appointed by him, and may exact for his protection bonds from such deputies, assistants and clerks

SEC. 10. Where not otherwise provided by this charter, the council may by ordinance require any officer, deputy, assistant, clerk or employee of the city, or of any of its departments, to give to the city bonds for the faithful performance of official duty, and may fix the amount of such bonds, and prescribe the conditions thereof, but the qualifications of sureties thereto shall be as otherwise prescribed in this article in respect to the official bond required thereunder.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Mayor.

SECTION 1. The chief executive officer of the city shall be designated the mayor. He shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for two years and until his successor has been elected and has qualified.

SEC. 2. He shall see that all laws and ordinances within his jurisdiction are strictly enforced. He shall vigilantly observe the official conduct of all public officers, and take notice of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection, administration and disbursement of the public funds and property. The books, records and official papers of all departments, boards, officers and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of said departments, boards, officers and persons are kept in legal and proper form. Any defalcations or wilful neglect of duty, or official misconduct which he may discover, or which

may be reported to him, shall be laid by him before the city council or before such other authority as the provisions of this charter may require, in order that the public interests may be protected and the person in fault be proceeded against according to law.

SEC. 3. He shall take proper measures for the preservation of public order and the suppression of all riots and tumults and shall perform all such other duties as may be imposed upon him by the laws of the state, this charter and the ordinances of the city.

SEC. 4. When and so long as the mayor is absent or for any reason is unable to perform his official duties, the president of the council shall act pro tempore. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired term by the council, assembled for that purpose. A member of the council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

Treasurer.

SEC. 5. The treasurer shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

SEC. 6. The treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise and pay the same out, on demands properly audited, in the manner provided for in this charter, and without such auditing he shall disburse no public money whatever except the principal and interest on the bonded indebtedness of the city when the same shall be payable; he shall keep an accurate account of all his receipts and disbursements under such rules and regulations as may be prescribed by ordinance or by this charter; he shall keep an accurate account of all his receipts and disbursements under such rules and regulations as may be prescribed by ordinance; he shall make a quarterly statement to the city council of all his receipts and disbursements during the preceding quarter, and shall do all things required of him by the city ordinances and this charter.

City Clerk.

SEC. 7. The city clerk shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

SEC. 8. The city clerk shall have the custody of and be responsible for the corporate seal, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council and of the board of equalization, and keep a record of its proceedings. He shall keep separate books in which respectively he shall record all ordinances, contracts and all other documents of permanent public value. He shall keep all books properly indexed and open to public inspection when not in actual use. He shall make out, sign and deliver to the city auditor all licenses and perform such other duties as are or shall be imposed by this charter or by ordinance. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor. He shall devote his entire time to the duties of his office. He shall be the custodian of the city hall, and of all personal property, the custody of which has not been otherwise provided for.

As assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation, and shall collect such taxes upon personal property as by this charter are required to be collected by him.

Tax and License Collector.

SEC. 9. The tax and license collector shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

He shall receive and collect all city taxes, general and special, license taxes and other branches of the city revenue, not otherwise herein provided for; he shall keep proper books showing all moneys collected by him as tax and license collector and also a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed, and shall be at all suitable times open to public inspection; he shall do and perform such other duties as may be required of him by this charter or by the ordinances of the city. He shall pay all moneys collected by him as tax and license collector into the city treasury daily.

Auditor.

SEC. 10. The auditor shall be a citizen and elector of the state and shall have been a resident of the city for the two years next preceding the day of his election.

He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

He shall pass on all bills allowed by the council and shall keep a full and complete record of the same; he shall keep himself thoroughly informed at all times as to the financial affairs of the city, shall make a quarterly report showing condition of all funds, and shall keep an independent set of books which shall be at once a complete history of all financial transactions and an absolute check on all the other officers of the city who shall have to do with the public moneys; he shall apportion all the city revenues for which provision is not otherwise made; he shall countersign all licenses and permits; he shall examine all books, papers and accounts of the city officers at least once each quarter and correct all irregularities and bring any malfeasance in office at once to the attention of the council or such other authority as may have had the matter given in charge by this charter, so that the public may be safeguarded; he shall be provided by the city with an office in a public place where the public may, at all reasonable hours, examine the books, learn the exact condition of the treasury or obtain any other information regarding the transaction of the public business that may be desired.

Attorney.

SEC. 11. The city attorney shall be a citizen and elector of the state and shall have been resident of the city for the two years next preceding the day of his election. He shall have been duly admitted to the practice of his profession by the Supreme Court of the State of California. He shall be elected by the qualified electors of the city and shall hold office for two years and until his successor has been elected and has qualified.

The attorney shall prosecute in behalf of the people all criminal cases arising from violations of the ordinances of the city, and shall attend to all suits, matters and proceedings in which the city may be legally interested; *provided*, that the city council shall have control of the litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein. He shall be in attendance at every regular meeting of the council and shall give his advice or opinion in writing whenever requested so to do by the city council or any of the boards or officers of the city. He shall approve the forms of all bonds given to and all contracts made by the city, endorsing his approval thereon in writing. He shall, whenever required by the city council or any member thereof, draft any or all proposed ordinances for the city or amendments thereto; and shall do and perform all such things touching his office as the city council or the mayor may require of him. On vacating the office he shall surrender all books, papers, files and documents pertaining to the city business to his successor.

ARTICLE VI.

LEGISLATIVE DEPARTMENTS.

SECTION 1. The legislative powers of the city shall be vested in a council of seven members, *provided, however*, that such legislative powers shall be exercised subject to the veto power of the mayor, as in this charter provided.

SEC. 2. The qualified electors of each ward in the city shall nominate and elect one member of the city council. Each member of the council shall be a citizen and elector of the state; he shall have been a resident of the city for the two years next preceding the day of his election and he must be a resident of the ward from which he is nominated. He shall hold office for two years and until his successor has been elected and has qualified.

SEC. 3. The mayor shall have the right of veto and five votes shall be required to pass any measure over such veto.

SEC. 4. The mayor shall be the presiding officer of the council but that body shall elect one of its members to be "President of the Council" who shall perform the functions of the mayor in his absence or disability.

SEC. 5. Four of the members of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time or may compel the attendance of other members in such manner and under such penalties as the council may prescribe. No order except to adjourn for want of a quorum or to compel the attendance of absent members, and no ordinance or resolution shall be valid unless it receives a majority vote of the quorum necessary for the transaction of business.

SEC. 6. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which, being less formal in character, require only to be passed by the council and spread upon the minutes. No ordinance shall have any effect without the signature of the mayor. All ordinances after passage by the council, must be submitted to the mayor who shall, within seven days after he has received the same, indorse his approval or disapproval thereon, giving his reasons for disapproval. Whenever the mayor allows the seven days to pass without returning an ordinance to the council with his approval or disapproval, such failure on his part shall be construed to indicate approval and the ordinance shall have the same force, validity and effect as though signed and returned within the time

specified. No ordinance shall be placed upon its final passage upon the same day that it has been introduced and read in full for the first time, and neither ordinance nor resolution shall be of full force and effect unless it shall have received the affirmative votes of four members of the council; *provided, however,* that any ordinance may be passed over the veto of the mayor by an affirmative vote of five members, and when so passed shall have the same force and effect as when regularly passed and signed by that official.

SEC. 7. The enacting clause of all ordinances shall be "The Mayor and the City Council of the City of Long Beach do ordain as follows:"

SEC. 8. All ordinances adopted under this charter shall be published in the English language at least once in a bonafide newspaper that has been published in the City of Long Beach for at least one year prior to the time of being granted the contract for city printing.

SEC. 9. All meetings of the city council shall be public and a journal of its proceedings shall be kept by the city clerk under its direction and the ayes and noes shall be taken and entered in the journal on the final action of the city council in the granting of franchises, in the authorization of contracts, in the ordering of work to be done or supplies furnished, in the ordering of assessment for the improvement of streets or the building of sewers, the passage of any ordinance, on any vote involving the expenditure of the public money, and in all other cases upon the call of any member.

SEC. 10. The council shall have power:

To fix the time and place of its meetings, to compel the attendance before it of witnesses and the production of papers in any matter under investigation, to judge of the qualification and election of its own members and to punish any member or other city officer, by fine of not exceeding $50.00, for disorderly or contemptuous behavior in its presence.

To make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States, or of the State of California, or to the provisions of this charter, necessary for the municipal government and the management of the affairs of the city, for the execution of the powers vested in the city and for carrying into effect the provisions of this charter.

To levy and collect taxes and assessments for city purposes on all property within the city which is by law taxable for state and county purposes.

To provide for the lighting of the streets and public buildings and places of the city and to regulate such lighting.

To regulate the use and sale of gas, electric and other light in the city, to fix and determine the price thereof, as well as the rental price of all electric and gas meters within the city, and to provide for the inspection of such meters.

To regulate telephone service and the use of telephones and to fix and determine the charges for telephones, telephone service and connections within the city.

To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys and public places of the city.

To regulate, license or prohibit the construction and use of bill boards and signs adjacent to or near the streets, alleys and public places of the city.

To license and regulate the keeping of dogs and to prevent the same from running at large, and to authorize the destruction thereof.

To establish pounds and pound districts which shall be under the supervision and control of a pound master, and to restrain the running at large of poultry, horses, mules, cattle, swine, sheep and other animals, and to authorize the destruction or sale of the same.

To establish, license or regulate markets and market houses.

To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city of such unsound, adulterated or unwholesome products.

To provide for the inspection of and to regulate the sale of bread within the city and to prescribe the weight of the loaf and to provide for the seizure and forfeiture of bread offered for sale which does not comply with such regulations.

To provide for and regulate the manner of weighing hay, straw, and coal and any other commodity and the selling of the same, and the measuring and selling of firewood within the limits of the city.

To provide for the inspection and selling of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

To regulate the construction of and the material used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to prescribe the depth of cellars and basements, the materials used in and the method of construction of foundations and

foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of bathrooms, water closets, privies and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to prohibit the construction of buildings and structures which do not conform to such regulations.

To require the owners and lessees of buildings and other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fire.

To prevent the construction and to cause the removal of dangerous chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes or the accumulation of shavings, rubbish or any combustible material, in unsafe places, and to make provisions to guard against fire.

To prescribe the fire limits and determine the character and height of buildings that may be erected therein and the nature of the material to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within said fire limits.

To regulate the entrance to and exit from all theaters, lecture rooms, public halls, schools, churches and public buildings of every kind, and to prevent the placing of seats, chairs, benches, or other obstructions in the halls, aisles or other open places therein.

To regulate or prohibit the operation of blasts and blasting and the construction and operation of derricks, windlasses or other structures, apparatus and operations hazardous to life and property, and to regulate the operation and provide for the inspection of freight and passenger elevators, boilers, engines, dynamos and other apparatus generating steam, electricity or other power.

To define nuisances, and to prevent, remove and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing or maintaining such nuisances, and to prohibit offensive or unwholesome businesses or establishments within the city.

To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require the same to be put and kept in proper sanitary condition.

To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale or sell any of their products within the city.

To provide for the naming of the streets and the numbering of houses, and to regulate or prohibit the exhibition of banners, flags, placards or signs across the streets, sidewalks or public places of the city.

To regulate or prohibit the loading or storing of gunpowder and other combustible and explosive materials in the city and the transportation of the same through the streets of the city.

To regulate the speed of railway trains, engines and cars passing through the city and the speed of cars of street railway companies to station flagmen, place gates or viaducts at all such street crossings as it may deem proper; to require street cars to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, tricycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

To establish stands for hacks, public carriages, express wagons and other public vehicles for hire, and regulate the charges for the use of such hacks, public carriages, express wagons and other public vehicles, and require schedules for such charges to be posted in or upon such public vehicles.

To regulate street railroads, their tracks and cars; to compel the owners of two or more of such roads using the same street for any distance, not exceeding five blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

To prohibit the injury to or interference with the ornamental trees and shrubbery in the streets and public places of the city, and to prescribe the punishment for such injury and interference.

To grant the right to erect or lay telegraph or telephone wires, to construct and operate street railroads, to erect poles and wires, or lay conduits for transmitting electrical energy for lighting or power purposes along or upon the public streets or highways of the city; *provided, however*, that all such rights and franchises shall be granted subject to the restrictions and limitations in this charter contained relating to the granting of franchises.

To make arrangements for the care, feeding and clothing of all persons in prison by municipal authority or sentenced to imprisonment by the police court,

and to provide that all such persons shall work upon the streets, or do other public work.

To restrain or punish vagrants, mendicants, street beggars and lewd persons, and prevent diseased, maimed, injured or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness, and all obnoxious, offensive, immoral, indecent and disorderly conduct and practices in the city.

To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city; to make quarantine laws and regulations, and to enforce the same within the city; to regulate, control and prevent the entry into the city of persons, baggage, merchandise, or other property infected with contagious disease.

To provide for the sale of personal property belonging to the city which is not needed by or which is not suited for the use of the city.

To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.

To set apart and dedicate as a boulevard or boulevards any street or streets or portions of a street or streets in the city.

To maintain police and fire departments.

To suspend any officer of the city pending trial against whom any criminal proceeding or any civil action for the recovery of any money due the city has been commenced, and the council shall appoint a substitute for such officer during his suspension; *provided, however*, that where the said officer has been first appointed by the mayor he shall be suspended by and the substitute appointed by that official during the suspension, such appointment to be made subject to the conditions of the original appointment. In voting upon the suspension or removal of officers the council shall vote by ayes and noes, and the same shall be taken and entered upon the journal.

To adopt and enforce by ordinance all such measures and to establish all such regulations, in case no express provision is in this charter made, as the council may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals and the suppression of vice in the city.

To pass ordinances upon any other subject of municipal control or to carry into force or effect any other powers of the municipality.

To adopt by ordinance at any time any provision made by the general law of the State of California for the levy and collection, or either of them, of city taxes by and through the officers of the county.

To prescribe by ordinance the duties of all officers whose duties are not defined by this charter, and it may by ordinance prescribe for any officer duties in addition to those herein prescribed, when the same are not inconsistent with the provisions of this charter, and may fix the hours during which the public office of any city officer shall remain open, if not otherwise herein provided for.

If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty days without the consent of the council, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connected with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than twenty days without the consent of the council, his office shall thereupon be declared vacant by the council and the vacancy shall thereupon be filled by the council; except in case of those officers appointed by the mayor when the vacancies shall be filled by that official in like manner as the appointment was first made.

ARTICLE VII.

BOARDS AND COMMISSIONS.

Department of Public Works.

SECTION 1. There is hereby created a department of said city to be known as the Department of Public Works, which shall be under the management and control of a board of three commissioners, to be known as the Board of Public Works.

Said commissioners shall be appointed by the mayor, subject to the confirmation of a majority of the council. All such appointments shall be so made that not more than two members of the board shall, at any time, belong to the same political party. Each of said commissioners shall receive an annual salary to be fixed by the city council, and shall give a bond to the city in the sum of ten thousand dollars, conditioned for the faithful discharge of the duties of his office.

The term of office of the members of the board of public works shall be two years. If any vacancy occurs it shall be filled for the unexpired term by the mayor with the affirmation of the council.

The commissioners shall organize by electing one of their number president, who shall hold his office for one year, and until his successor is elected, unless his membership on the board sooner expires.

The board shall maintain an office and prescribe office hours for the convenience of the public. It shall hold regular stated meetings at least once in each week. The commissioners shall devote all their time during official business hours to the duties of their office.

The city clerk shall be ex-officio secretary of the board. He shall keep a record of all its transactions, specifying therein the names of all the commissioners present at the meetings, and gives the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

The three members of the board of public works and the secretary thereof shall be officers of the municipality in addition to the other officers thereof provided for herein.

The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated the city engineer. He shall receive such salary as the council shall provide by ordinance, and shall hold office at the pleasure of the board. The city engineer herein provided for shall be the successor in office of the city engineer. He shall perform all the civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board. He shall make such certificates and reports upon the progress of such work and shall make such surveys, inspections and estimates, and perform such other surveying or engineering work as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary. All field books, notes, maps, and profiles compiled by such engineer shall be the property of the city and must be turned over by him to his successor as part of the official records of the office.

The board of public works shall, subject to such civil service regulations as are now or may hereafter be in force, appoint and employ and for good cause remove, such superintendents, inspectors, clerks and employees as the city council shall, by ordinance from time to time, prescribe, and the board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article for the government of the department of public works, and for the regulation and conduct of its officers and employees, and may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

SEC. 2. The board shall, from and after the first organization thereof, be the successor in office of the street superintendent, and of the superintendent of buildings and plumbing, and shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law upon said officials, respectively, and the board shall perform such other duties as are herein or may be, by ordinance, imposed upon it.

SEC. 3. The board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city council relating to:

The advertising for, and inviting of proposals or bids for doing any work ordered by the city council to be done in or upon any street, avenue, lane, alley, court or place, or in the construction of any sewer or drain, ordered by the city council in or over the right of way granted or acquired for such purposes;

The examining, considering and declaring of such proposals or bids;

The awarding, letting and reletting of contracts for doing any of said work so ordered, the giving notice of such award, the rejection of such proposals or bids for doing such work, and the granting of extensions of time for the completion thereof by the contractor therefor;

The approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work, and the fixing of the time in which such work shall be commenced and completed.

The board shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval of the awards of contracts for any of the work mentioned in this section.

The board of public works shall also have and exercise all of the powers and duties that are now or may hereafter be conferred or imposed by law upon any commission provided for by law to assess the benefits, damages and costs incident to a proposed change of grade of any public street, alley, lane or court.

The president of the board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the mayor relating to the approval and fixing of the amount of bonds required to be given by contractors prior to, or at the time of executing contracts for such work.

The secretary of the board of public works shall have and exercise all the powers and duties that are now or may hereafter be conferred or imposed by law upon the city clerk or the clerk of the city council relating to:

The receipt, care and custody of proposals and bids for doing any of the work mentioned in this section;

The care and custody of all checks and bonds accompanying such proposals or bids.

SEC. 4. The board of public works shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the city council:

Of all public ways, streets, avenues, boulevards, lanes, alleys places and courts now open or which may hereafter be opened in the City of Long Beach;

Of the manner of their use and occupation;

Of all work and improvements done in, on, over or under the same, and of all excavations made in or under the same;

Of the design, construction, maintenance and use of all sewers, drains and storm drains of the city, and all connections therewith;

Of the cleaning, sprinkling, maintenance, repair and lighting of all public ways, streets, avenues, boulevards, lanes, alleys, places and courts; the lighting of all public parks, and the lighting, heating and ventilating of all public buildings belonging to the city;

Of the design, construction, alteration, repair, maintenance and care of all public works and improvements, and of all public buildings belonging to the city;

Of the disposal of the garbage, sewage and street refuse:

Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, except such as may be placed under other control herein.

SEC. 5. The board of public works shall have charge of the enforcement of all ordinances relating to the construction, alteration, repair, demolition, or removal of buildings or structures in the city; and of the arrangement, alteration and repair, use and operation of all heating, plumbing, lighting, ventilating, and electrical and mechanical appliances therein.

SEC. 6. All contracts for the performance or furnishing of labor, services, material, or supplies required for the execution of any work or service of which the board of public works has charge, superintendence or control, except public work or improvement the cost and expenses of which are to be paid by assessment on property in proportion to frontage or benefits, shall be let or entered into in behalf of the city by the board of public works in the following manner:

Every such contract shall first be authorized by resolution passed by a vote of two thirds of the members of the whole council. The board shall, except in cases of urgent necessity, as hereinafter provided, within five days after the passage of the resolution, authorizing such contract, cause a notice to be published conspicuously in its office, and published once in a newspaper of general circulation printed and published in the City of Long Beach, inviting sealed bids for the performance of the work or service, or the furnishing of the materials or supplies contemplated. Said notice shall require the bids to be filed with the board at or before a certain hour of a day not less than five days subsequent to the day of the posting and advertising of said notice, and said notice shall contain a general description of the work or service to be done and of the materials or supplies to be furnished, the time within which the work or delivery is to be commenced and when to be completed, and the amount of the bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the board for full details and description of said work, service, material or supplies.

Said notice shall require each bid to be accompanied by a check certified by a responsible bank, payable to the order of the president of the board, for an amount not less than ten per cent of the aggregate sum of the bid, or by a satisfactory bond for the said amount and so payable, as a guarantee that the bidder will enter into the proposed contract if the same is awarded to him, and the form and manner of making bids, may, in all other respects, be prescribed in said notice, and no bid shall be considered unless the same is accompanied by said check or bond, and is made in the prescribed form and manner. On the day and at the hour specified in the notice inviting bids the board shall meet and in open session examine and publicly declare the bids received, and shall thereupon, or at such other time as the board may then fix, award the contract to the lowest regular, responsible bidder, or shall reject all bids. The board may reject any or all bids, and shall reject the bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city, and shall reject all bids other than that of the lowest regular, responsible bidder. Upon rejecting any bids the board shall return to the proper parties the checks accompanying the rejected bids. The check accompanying the accepted bid shall be held by the secretary of the board until the contract for performing the work or service, or furnishing the materials or supplies proposed to be done or furnished has been entered into. If the successful bidder fails to enter into the contract or to execute the bond required for the faithful performance thereof within ten days after the same is awarded to him, then the certified check accompanying his bid shall be presented for payment and collected and the amount thereof paid into the general fund of the city. Every contract

entered into by the board shall first be approved as to form by the city attorney and shall contain detailed specifications and plans of the work or service to be done, the manner in which it is to be performed, and the quantity and kind of material or supplies to be used or furnished, or shall refer to such specifications and plans on file in the office of the board. Said contract shall be signed on behalf of the city by the president or by two of the members of the board, and by the other contracting party. The contractor shall enter into and deliver to the secretary of the board a bond, in the sum named in the notice inviting bids, conditioned for the faithful performance of the contract and executed by the contractor, and by a responsible surety company, or by two or more sufficient sureties approved by the board.

When any repairs, alterations, work or improvement shall be deemed of urgent necessity by the board, a contract for the performance or furnishing of the labor, materials or supplies required therefor may be made by the board in behalf of the city, in writing or otherwise without advertising for or inviting bids; *provided*, that if the contract for the furnishing of the labor, materials or supplies so required involves an expenditure of more than five hundred dollars, the resolution of the council authorizing the same shall, before it takes effect, be approved by the mayor.

SEC. 7. All instruments, warrants, records, certificates, notices or other documents required to be signed or executed by the board of public works shall be signed on order of the board by the president or by two members thereof.

The Department of Civil Service.

SECTION 1. There is hereby created a department of said city to be known as the Department of Civil Service, which shall be under the management and control of a board of three commissioners to be known as the Civil Service Commissioners.

Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be so made that not more than two members of the board shall at any one time belong to the same political party. The members of this commission shall serve without compensation.

The term of office of the civil service commissioners shall be two years. If any vacancy occurs the mayor shall fill the same for the unexpired term by appointment, with the affirmation of the council.

The commissioners shall organize by electing one of their number president and one secretary and they shall hold office for one year and until their successors have been elected and have qualified, unless the membership of either on the board sooner expires.

SEC. 2. The mayor, with the consent of the council, may remove any commissioner for incompetency, neglect of duty or malfeasance in office.

SEC. 3. Said commission shall classify all the offices and places of employment mentioned in section 11 of this subdivision with reference to examination herein provided for. The offices and places so classified by the commission shall constitute the classified civil service of the city; and no appointment to any such offices or places shall be made except under and according to the rules hereinafter mentioned.

SEC. 4. Said commission shall make rules to carry out the purposes of this article and for the examinations and appointments in accordance with its provisions, and the commission may, from time to time, make changes in such rules.

SEC. 5. All rules made as hereinbefore provided, and all changes therein, shall be printed for distribution by said commission. The commission shall give notice by publication in the official paper of the place or places where said rules may be obtained, and in such publication shall be specified the date, not less than thirty days subsequent to the date of said publication, when said rules shall go into operation.

SEC. 6. All applicants for office, places, or employments in said classified civil service, shall be subject to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate, shall include, or exclusively consist of, tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

SEC. 7. Notice of time, place, and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in the official paper, and such notice shall also be posted in a conspicuous place at the city hall and in its office two weeks before such examination. Such further notice of examination shall be given as it may prescribe, *provided*, that, for registration in the class of unskilled laborers, medical or physical examinations may be made or held from day to day as applicants present themselves, and without previous notice.

SEC. 8. From the examinations made by the commission it shall prepare a register, in each grade or class of positions, in the classified civil service, other than

that of unskilled laborers employed by the day, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence, as determined by their examinations without reference to the priority of the date of their examinations.

The commission shall also keep a register upon which shall be entered, in the order of their application, the names of all who apply for employment in the class of unskilled laborers, and who, after such medical or physical examination as the board may prescribe are found to be capable of performing in a satisfactory manner the duties of the occupation sought. In case any registered applicant in said class of unskilled laborers shall be employed and subsequently laid off or dismissed through lack of work, or through no fault of his own, that fact shall be forthwith certified to the board of civil service commissioners by the head of the department in which such laborer was employed, and he shall be restored to the original place upon the register.

SEC. 9. The commission by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examinations, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating; but in fixing said rating a uniform allowance of credits to be stated at the time of the announcement of said examination, shall be made for each year of past service. The method of examination and the rules governing the same and the method of certifying, shall be the same as provided for applicants for original appointments.

SEC. 10. The head of the department in which position in the class of unskilled laborers employed by the day is to be filled shall notify said commission of that fact, and said commission shall thereupon certify to such officer or board the name and address of the applicant standing first in order on the register of unskilled laborers, and the applicant thus certified shall thereupon be employed by such officer or board.

The head of a department in which a position, classified under this article, except a position in the class of unskilled laborers, is to be filled, shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register, for the class or grade to which said position belongs. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. The candidate thus appointed shall be employed on probation for a period to be fixed by said rules, not exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of the department or office in which the candidate is employed, may discharge him upon assigning in writing the reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provisions of this article, can be made.

SEC. 11. The provisions of this article shall apply to the following departments of the city, to wit:

Police, fire, and such other departments or employees of the city as may hereinafter be enacted by ordinance.

SEC. 12. No officer or employee in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the board of police commissioners in the case of an officer or an employee in the police department; by the board of fire commissioners in the case of an officer or employee in the fire department; and by the board of civil service commissioners in all other cases. If the board conducting such investigation shall find that sufficient cause is shown therefor, it shall order that such officer or employee be removed or discharged, such finding and decision shall be final, and except in the case of an officer

or employee in the police or fire departments, shall be certified to and be forthwith enforced by the appointing board or officer.

Nothing in this article shall limit the power of any appointing board or officer to suspend a subordinate for a reasonable period, not exceeding thirty days.

SEC. 13. Immediate notice in writing shall be given by the appointing powers, to said commission, of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change, shall immediately report in writing to said commission.

SEC. 14. The commission shall investigate the enforcement of this article and its rules, and the conduct and action of the appointees in the classified civil service in this city.

SEC. 15. Said commission shall make an annual report to the mayor for transmission to the council. The mayor may require a special report from said commission at any time.

SEC. 16. All officers of said city shall aid the commission in all proper ways in carrying out the provisions of this article.

SEC. 17. The council shall furnish said commissioners with suitable offices and shall provide furniture, books, stationery, blanks, heat and light, and is authorized and required to pay such other expenses as may be necessarily incurred by said commissioners in carrying out the provisions of this article.

SEC. 18. No officer or other person shall wilfully or corruptly, by himself or in coöperation with one or more other persons, defeat, deceive, or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, of being employed, appointed or promoted.

SEC. 19. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, and no other officer or employee shall pay, or promise to pay, either directly or indirectly, any money or valuable thing whatever, for or on account of his promotion.

SEC. 20. The commission shall certify to the auditor all appointments to offices or places in the classified civil service, or vacancies occurring therein whether by dismissal, resignation or death, and all findings that a person shall be discharged from the classified civil service.

SEC. 21. The auditor shall not, nor shall any auditing or accounting officer of the city, approve any demand for the salary or wages of any person subject to the provisions of this article, for services as an officer or employee of this city, before the appointment of such person to the classified civil service has been certified, nor after the commission shall have certified to the auditor a finding made or approved by it under the provisions of this article, that such person be discharged from the classified civil service.

SEC. 22. All officers and employees, who, at the time of taking effect of this article, would be included in the classified civil service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein. All officers and employees, who, at the time of the taking effect of this article, would be included in the classified civil service, but who have been in the service of the city for a period of less than six months, shall, during the period of six months from and after the taking effect of this article, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article.

SEC. 23. The city council of the City of Long Beach shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this article.

Police Commission.

SECTION 1. The mayor, who shall be ex-officio a member and president of the board, and two citizens, to be appointed by the mayor with the consent of the council, shall constitute the police commission of the city. The appointive members of the board shall serve without compensation, not more than two of the entire membership shall be members of the same political party, and one of their number shall be chosen annually to serve as secretary of the board. The appointive members of the board shall serve for two years and until their successor have been appointed and have qualified.

SEC. 2. The board shall meet at least once a week.

SEC. 3. The salaries of members and employees of the police department, not herein elsewhere provided for, shall be fixed by the council by ordinance.

SEC. 4. The board shall prescribe the rules and regulations for the government of the members of the police department and fix and enforce the penalties for their violation.

SEC. 5. The police department shall consist of such officers and members as the council shall by ordinance determine. All appointments and removals in the department shall be made by the board subject to such civil service regulations as are now or may hereafter be in force.

SEC. 6. The board and the officers appointed under its direction shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

Fire Commission.

SECTION 1. The mayor, who shall be ex-officio member and president of the board, and two citizens, to be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of fire commissioners of the city. The appointive members of the board shall serve without compensation, not more than two of the entire membership shall be members of the same political party, and one of their number shall be chosen annually to serve as a secretary of the board. The appointive members of the board shall serve for two years and until their successors shall have been appointed and have qualified.

SEC. 2. The board shall meet at least once a week.

SEC. 3. The salaries of members and employees of the fire department, not herein elsewhere provided for, shall be fixed by the council by ordinance.

SEC. 4. The board shall prescribe the rules and regulations for the government of the members of the fire department and fix and enforce the penalties for their violation.

SEC. 5. The fire department shall consist of such officers and members as the council shall by ordinance determine. All appointments and removals in the department shall be made by the board subject to such civil regulations as are now or may hereafter be in force.

SEC. 6. The board and the officers appointed under its direction shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

Board of Health.

SECTION 1. The health department of the city shall be under the control and management of a board of health consisting of five members, four of whom shall be appointed by the mayor, by and with the consent of the council. The fifth member shall be the mayor who shall be the presiding officer. Members of this board shall serve for two years and without compensation. One of their number shall be elected annually to serve as secretary.

SEC. 2. Three members of the board shall constitute a quorum for the transaction of business.

SEC. 3. The board of health shall have supervision of all matters pertaining to the sanitary condition of the city and the public institutions thereof and full powers are hereby given the board over all questions of defective drainage, the disinfection and sanitary cleaning of all public and private places, the inspection of all the city food supplies, and the abatement of all nuisances prejudicial to the health of the citizens or any of them. The board shall exercise a general supervision over and be the custodian of all the death and cemetery records now owned or to be hereafter acquired by the city, and shall cause to be kept in books prepared for that purpose, complete records of all deaths and births occurring in said city. They shall adopt such forms and regulations for the use of physicians and undertakers as in their judgment may be best calculated to secure reliable vital and mortality statistics in said city, and prevent the spread of contagious and infectious diseases. They shall have power to prevent or forbid communication with infected families or houses, and with the consent of the council, may provide a pest house and the necessary attendants and supplies for the same or any pest house which may be in use.

SEC. 4. The council shall, by ordinance or otherwise, provide for enforcing such orders and regulations as the board of health may adopt; and all necessary expenses incurred by the board of health in carrying out the provisions of law and this charter shall be provided for by the city council, who are hereby authorized and directed to make an appropriation therefor out of the general fund.

SEC. 5. The board of health shall have power to appoint a health officer outside their own number whose duty shall be to see that the laws and ordinances of the city in relation to the public health and the regulations and orders of the board of health are properly enforced. He shall keep a full record of all the transactions of the board of health as well as all records pertaining thereto, and issue all permits for burials, cremations or removals in or from any of the cemeteries of the city, and no interments or cremations shall be made therein unless said health officer is satisfied of the correctness and reliability of the certificates of death presented

for his inspection. He shall have the power of a police officer, and shall make an extended annual report to the board of health of the affairs pertaining to his office, including mortuary and other statistics with such observations and recommendations in relation to the sanitary condition of the city as he may deem proper.

SEC. 6. The health officer shall visit once in each quarter, all public buildings and school houses in this city. During such visits he shall examine the manner in which they are lighted, ventilated and heated and particularly as to their sanitary condition, and shall promptly report to the board any changes that may seem to him to be needed for the preservation of the public health or of the health of children and teachers.

SEC. 7. The health officer shall promptly report in writing to the superintendents or governing authorities of all schools, the name and residence of every person sick with cholera, small-pox, scarlatina, diphtheria, or any contagious or infectious disease. Said superintendents, when so notified, must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician countersigned by the health officer, or from the health officer, that there is no longer any danger from contagion. When a case of a contagious disease is reported to the health officer, he must visit the premises where the person is, and when satisfied that said disease exists, he shall place a flag or conspicuous notice on said premises which shall remain during the continuance of the disease on said premises.

SEC. 8. The health officer may cause to be removed to a small-pox hospital any person in said city affected with small-pox. When a case of small-pox exists in any house and the person so affected is not removed to said hospital or pest house the health officer shall immediately place a quarantine flag on said premises and may place a competent person in charge thereof who shall see that a quarantine is strictly enforced so long as public safety requires.

SEC. 9. The health officer shall be a physician, regularly licensed to practice medicine in the State of California, he shall be qualified to perform all the duties of a food and milk inspector and the board of health shall require of him such inspections of sufficient frequency and thoroughness to thoroughly safeguard the food and milk supplies of the city. He shall perform such other duties as the council and board of health may require of him.

SEC. 10. The health officer shall receive such compensation for his services as the council may determine.

SEC. 11. Every member of the board of health may administer oaths on matters connected with the health department.

Library Commission.

SECTION 1. The public library of the city shall be under the control and management of a board of commissioners, consisting of five members, four of whom shall be appointed by the mayor, subject to the confirmation of a majority of the council. The fifth member of the board shall be the mayor who shall be its presiding officer. The members of this commission shall serve for two years and without compensation.

SEC. 2. The city council, at the request of the board of library commissioners, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than five cents nor more than twenty cents on the one hundred dollars assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals and other supplies therefor.

SEC. 3. If payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms or conditions of such donation or bequest.

SEC. 4. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise, for the purposes of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be sued for or defended by action at law or otherwise.

SEC. 5. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members secretary and it shall be his duty to keep a full record of all the meetings of the board and of all its business transactions. He shall serve for one year and until his successor has been appointed and has qualified.

SEC. 6. The board shall have power:

To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library, reading room and all the property belonging thereto;

To administer any trust declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto;

To purchase books, journals and publications and other supplies and personal property for the use of the library out of the funds provided for such purposes by the council;

To appoint a librarian and such other employees as may be necessary to properly conduct the said library and the reading rooms connected therewith, to prescribe their duties and the limits of their authority;

To do all that may be necessary to be done to carry out in full all the provisions of this charter relating to said library.

SEC. 7. The compensation of the librarian and of all the library employees shall be such as may be fixed by the board and shall be paid from the funds provided for the support of the library, subject only to the general provisions of this charter regulating the payment of moneys from the public funds.

Board of Education.

SECTION 1. The school department of the said city shall comprise all the public schools within the City of Long Beach or within the territory that is now, or may hereafter be, annexed thereto for school purposes, and shall be known as the Long Beach City School District, which shall succeed to all the property, rights and privileges of the former Long Beach City School District and shall consist of primary, grammar and high schools, as now established, and may, at the discretion of the board of education, include technical, industrial or night schools and detention home; *provided* that no school money shall be used for technical, industrial or night schools when such use would prevent the board from maintaining free primary, grammar and high schools for nine months in each year.

SEC. 2. The government of the schools will be vested in a board of education consisting of five members, who shall have been residents of the territory included in the district for the two years next preceding the day of their election. They shall be elected by the voters of the district at large on the first Friday in April following the date on which this charter goes into effect; *provided, however*, that said members so elected at the first election of the members of the board of education held after this charter becomes effective shall so classify themselves by lot that the term of office of two of them shall be for two years and of three of them for four years, and thereafter, alternately, on the first Friday in April of each odd numbered year, there shall be elected respectively, two and three members of said board of education, whose term of office shall be four years; *provided further* that the members of the board of trustees holding office at the time this charter becomes effective shall continue to perform the duties of such office until their successors have been elected and have qualified under the provisions of this charter. The officers of the election for members of the board of education shall receive the sum of three dollars each as compensation for their services.

SEC. 3. The board of education shall enter upon the discharge of their duties on the first Monday in May after their election and shall meet upon said day and annually thereafter and organize by electing one of their number president, whose term of office shall be one year.

Vacancies in the board of education shall be filled for the unexpired term by the remaining members of the board, and if there are no remaining members, by special election.

The board of education shall hold a regular meeting at least once each month. Special meetings may be called by the president, or by the written request of three members; but no business shall be transacted at such meetings that has not been distinctly stated in the call.

A majority of the members of the board of education shall constitute a quorum, but a vote of three members shall be required for passing all orders for the expenditure of moneys and for the election of teachers.

The sessions of the board shall be public and its minutes open to inspection. The board may determine its rules of procedure. The ayes and noes shall be taken and recorded when demanded by any member, and they shall be taken and recorded on all questions involving elections and appointments or the expenditure of money. All warrants shall be signed by the president, or the president pro tem when acting for him, and by the secretary of the board.

SEC. 4. The powers and duties of the board of education are as follows:

To establish and maintain public schools, as herein provided, and to change, consolidate and discontinue the same.

To manage and control school property.

To employ and dismiss teachers, janitors, school census marshals, probation officers and such other persons as may be necessary to carry into effect the powers and duties of the board; and to fix, alter, allow and order paid, their salaries or compensations, and to withhold for good and sufficient cause the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided* that no teacher shall be dismissed during the school year without good and sufficient cause; *and provided further* that the board shall notify in writing on or before the

first day of June of each year all teachers whose services will not be required for the ensuing year.

To prescribe the courses of study, to make and enforce any rules and regulations necessary for the progress and government of the public schools, and to carry into effect the laws relative to education.

To determine what text books, other than those published by the state, shall be used in said schools.

To provide for the school department all necessary supplies and incur such other incidental expenses as may be necessary for the welfare of the department.

To select plans for, and to supervise and control, the construction of school buildings; to alter, repair or rent the same, and to supply them with proper furniture, apparatus and appliances; and it shall be their duty to insure any and all school buildings and furniture.

To take charge of any and all real and personal property, that may have been or may be hereafter acquired for the use and benefit of the public schools of the district.

To grade, fence and improve all school lots.

To sue or defend suits, when necessary in administering the affairs of the school department; and to require the services of the city attorney therefor without compensation and, when desirable, to employ other or additional counsel; the city attorney shall be the legal adviser of the board without compensation.

To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age, not less than four years, at which they may attend the kindergarten schools.

To admit non-resident children to any of the departments of the schools at the discretion of the board and on such terms as the board may determine.

To furnish books for children whose parents are unable to furnish them; and all books so furnished shall belong to the school district and shall be kept in the libraries of the schools when not in use.

To visit every school in the district at least once in each semester, and to examine carefully into its management, condition and wants.

To dispose of at public or private sale such personal property as shall be no longer required by the department and, when directed by the qualified electors of the district, at a meeting duly called for that purpose, to dispose of any real property belonging to the district and no longer convenient or necessary for its use, and to make in the name of the district conveyances of all real property sold under the provisions hereof.

SEC. 5. The board of education may and, upon a petition signed by a majority of the heads of families residing in the district, as shown by the last preceding school census, must call meetings of the qualified electors for determining or changing the location of one or more school houses, or for consultation in regard to any litigation in which the district may be engaged, or in regard to any of the affairs of the district. Such meetings shall be called by posting three notices in public places in the district, for not less than ten days prior to the time for which such meetings shall be called, which notice shall specify the purposes for which said meetings shall be called, and no other business shall be transacted at such meetings.

District meetings shall be organized by choosing a chairman from the electors present and the secretary of the board shall be the clerk of the meeting and shall enter the minutes thereof on the records of the district.

A meeting so called shall be competent to instruct the board of education:

In regard to the location or change of location of one or more school houses, and the use of the same for other than school purposes.

In regard to the purchase and sale of school sites or other real property of the district.

In regard to prosecuting, settling or compromising any litigation in which the district may be engaged or be likely to become engaged.

The board of education shall in all cases be bound by the instructions of the district meeting in regard to the subjects mentioned in this section.

SEC. 6. The board of education shall determine annually the amount of school tax necessary for the maintenance of free public schools and for carrying into effect all provisions of law regarding the same, and the amount so determined by said board of education shall be reported in writing to the board of supervisors of the county. This report shall specify the proper items and the amount of money required for each, in addition to state and county school money, to maintain grammar and primary schools, the amount required for high school purposes, and the amount required for such other public schools of the district as are then established, and what amount will be required to pay all fixed and incidental expenses, including the cost of erecting new buildings and of repairing, enlarging or improving old ones.

The board of supervisors of the county is hereby authorized and required to levy and the tax collector of the county to collect as school tax the amount reported by the board of education.

SEC. 7. The board of education may, when in their judgment it is advisable, call an election and submit to the electors of the district the question whether a tax shall be raised to furnish additional school facilities for the district, or for building

one or more school houses, or for any or all of these purposes. Such election shall be called and moneys employed in accordance with the general laws of the state governing elections for district school tax.

SEC. 8. The board of education may, when in their judgment it is advisable, and must, when petitioned by a majority of the heads of families residing in the district, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school property, and for building or purchasing one or more school houses, for insuring the same and supplying the same with furniture and necessary apparatus, and improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and for refunding any outstanding valid indebtedness evidenced by bonds or warrants thereof.

SEC. 9. All moneys raised for school purposes shall be paid into the county treasury to the credit of the proper school fund of said Long Beach City School District and shall be drawn out in the same manner as state and county money apportioned to the Long Beach City School District are drawn.

SEC. 10. The board of education shall receive and manage all property and moneys acquired by bequest or donation in trust for the benefit of any school, educational purposes, or school libraries; shall carry into effect the terms of any bequest not in conflict with the general laws or with this charter.

SEC. 11. The board of education shall elect its own secretary who shall not be a member of the board. They shall fix his salary and prescribe his duties. His term of office shall be at the pleasure of the board and he shall be empowered to administer oaths.

SEC. 12. The board of education shall elect a superintendent and shall fix his salary; such superintendent shall serve for a term of four years from and after the day of his election. Although not a member of the board he shall have all the rights and privileges of a member of the board except the right to vote.

The superintendent shall be the executive officer of the board of education and shall enforce all rules and regulations adopted by the board, and perform such other duties as the board shall designate.

He shall have general supervision of the schools and direct the methods of instruction therein.

He shall have regular office hours, when he may be consulted by patrons regarding school affairs; and his decision in all school matters within his jurisdiction shall be final, unless formally appealed from to the board of education.

The superintendent shall assign duly elected teachers to such grades, departments and schools as he shall deem best for the schools and he shall designate the duties of the various teachers, but no such assignment or designated duty shall conflict with a general rule of the board and, further, the board may, by vote of four members, change any assignment.

The superintendent shall make and enforce such regulations, not in conflict with the rules of the board, as shall be necessary for the efficient conduct of the schools.

He shall have full direction of the classification and promotion of pupils and, under the rules of the board, of the discipline of the schools.

He shall call such general and special meetings of the teachers as he shall deem advisable for carrying into effect the directions of the board and superintendent and for the instruction of the teachers in the science and art of teaching, and he shall enforce attendance on such meetings according to rules approved by the board.

He shall keep himself informed with regard to school systems in other cities and with regard to school law and he shall be the adviser of the board in all matters that concern the welfare and progress of the schools.

He shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as nearly as may be ascertained, of fuel, blanks, blank books, books for indigent children, apparatus, and such other school appliances which may be necessary for the city schools and the board for the following year.

He shall annually, and oftener when desired, make a full report of the condition of matters under his jurisdiction, and shall make such recommendations as he shall deem best, and such annual report shall be published by the board for the information of the public and for exchange with other cities.

SEC. 13. Cause for dismissal of teachers, principals or superintendent shall be insubordination, immoral or unprofessional conduct, or evident unfitness for fulfilling the requirements of his or her position as such teacher, principal or superintendent.

SEC. 14. The board shall provide suitable rooms for itself and for the superintendent and such rooms shall be open to the public during such regular office hours as shall be established by a vote of the board.

SEC. 15. Upon report from the health officer of a case of contagious or infectious disease which he deems dangerous to the public health it shall be the duty of the superintendent to refuse admittance to the public schools to any person who may have been exposed to such disease or is in any manner liable to assist in its spread; *provided*, that parties thus excluded shall be readmitted upon presentation of a cer-

tificate from the attending physician countersigned by the health officer, or from the health officer, stating that there is no longer any danger from contagion.

The building inspector of the city shall be the building inspector of the school district and shall inspect all school buildings at least once each year and recommend such alterations and repairs as he shall deem desirable. He shall also supervise the construction of all new buildings under the direction of the board.

SEC. 16. In all matters not specifically provided for in this charter the board shall be governed by the provisions of the general law relative to such matters.

ARTICLE VIII.

STREETS.

SECTION 1. Except as provided herein, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers, establishing of and changing grades of streets, and providing for the laying out, opening, widening, straightening or closing up, in whole or in part, of any street, square, lane, alley, court or place within the municipality, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within the municipality, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts, and places within the municipality, and of hedges upon the lines thereof, and for the eradication of weeds within the city limits, now in force, or which may hereafter be adopted by the legislature of this state, is hereby made a part of this charter, and shall govern the city council in such matters.

ARTICLE IX.

CONTRACTS.

SECTION 1. The City of Long Beach shall not be and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing by order of the council and signed by the mayor or by some other person in behalf of the city authorized so to do; *provided* that the approval of the form of the contract by the city attorney shall be endorsed thereon before the council shall have power to order the same to be entered into in behalf of the city; but the council, by an ordinance duly adopted, may authorize any officer, board, commission or agent of the city to bind the city without a contract in writing for the payment of supplies, labor or other valuable consideration furnished to the city in an amount not exceeding two hundred dollars.

SEC. 2. All contracts for goods, merchandise, stores, supplies, materials, subsistence or printing, except as otherwise provided in this charter, for the city or for any of the departments or public institutions thereof must be made by the city council with the lowest bidder offering adequate security for the faithful performance of the contract, after the publication of a notice calling for bids in a newspaper published in said city for at least ten days before the day upon which the said bids are to be opened by the council.

SEC. 3. All bids must be accompanied by a certified check, drawn on a solvent bank doing business in the county of Los Angeles for an amount equal to ten per centum of the bid; the said certified check must be payable at sight to the city clerk. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such check and pay the same into the treasury, and under no circumstances shall the check or the proceeds thereof be returned to the defaulting bidder.

SEC. 4. The council shall require bonds with sufficient sureties for the faithful performance of every contract. All such bonds, after having been approved by the city attorney as to form, shall be approved by the mayor, and such approval with the date thereof shall be endorsed upon said bonds and evidenced by the signature of the mayor. The city clerk shall furnish printed blanks for all such bids, contracts and bonds.

SEC. 5. All bids must be placed in a sealed envelope and delivered to the city clerk and opened by the council at the hour and place to be stated in the notice calling for bids. All bids that do not conform to the requirements of this charter or are not in accord with the terms of the notice calling for bids must be rejected. The clerk shall return to the unsuccessful bidders their certified checks. He shall retain the check of the successful bidder until after the execution of the contract and the approval by the mayor of the bond furnished by such bidder for the faithful performance of his contract, and then shall return such check to such successful bidder.

SEC. 6. All contracts for official advertising shall be let annually to go into effect on the first Monday in July in each year, in a like manner to the lowest responsible bidder publishing a daily newspaper of general circulation in the city, *provided*, that the said newspaper shall have been in existence at the time of the award of said contract at least one year.

SEC. 7. When a contractor fails to enter into a contract awarded to him or to perform the same, new bids must be invited and a new contract awarded as provided herein in the first instance. When the council believes that the prices bid are too high, or that bidders have combined to prevent competition, or that the public interest will be subserved thereby they may reject any and all bids and cause the notice calling for bids to be readvertised.

SEC. 8. No contract for power, gas, electric light, removing garbage, sweeping, sprinkling or lighting the streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contracts to pay for power, gas or electric light at a higher rate than the minimum price charged to any other consumer be valid.

ARTICLE X.

CLAIMS AND DEMANDS.

SECTION 1. Except as otherwise provided in this charter all demands payable out of the treasury must, before they can be approved by the auditor or paid by the treasurer, be passed by the council.

SEC. 2. All claims and demands whatever against the City of Long Beach, except interest upon bonds, and bonds of the funded debt, shall be paid out on demands as herein provided for.

SEC. 3. Said demands, except demands payable out of the school and library funds, shall be presented to the council on forms to be supplied by the city clerk. The council shall consider the said demands and shall, if the same be just and legal, approve the same, or may, if it so determine, approve in part or reject the whole. The action of the city council shall be indorsed thereon, with the date of such action, and certified by the signature of the city clerk.

SEC. 4. Any such demand, approved by the council, in whole or in part, shall be delivered to the auditor, who shall approve the same in whole or in part, or reject the same and indorse such approval or rejection thereon with the date of such action; *provided* that the auditor shall have no power to approve a demand for a sum larger than the sum for which it is approved by the council. If the auditor approves only in part or for a less amount than approved by the council, or reject any such demand he shall return the same to the city clerk with his objections in writing attached thereto.

SEC. 5. If the auditor shall approve any demand he shall specify the fund from which it is to be paid. If the claim is rejected in whole or as to any part of it (unless the party presenting it is willing to accept and receipt in full of the entire demand the sum offered), the auditor shall return it, with his reasons for rejecting it, to the council, board or other body which originally authorized it. No demand upon the city treasury shall be considered presented for action or acted upon, allowed or approved by the council or any board or commission of said city, unless it specifies on its face each item composing said demand, and the amount and date thereof.

SEC. 6. Every demand shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, it shall be numbered and entitled to payment in the same order as allowed.

SEC. 7. All demands payable out of the library fund must, before they can be approved by the auditor, or paid, be previously approved by the board of library trustees by a vote of three members thereof, taken with the ayes and noes, and spread on the minutes of the board, and the action of said board, with the date of such action indorsed on said demands, be signed by the presiding officer and by the clerk of said board. After the approval of said demands, as herein provided, they shall be delivered to the auditor who shall have the same power, and perform the same duties in reference to demands payable out of the library fund as are provided for other demands; *provided*, that in case the auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the board of library trustees.

SEC. 8. Any demand returned to the council, with the objections of the author, shall again be considered by the council, and if it shall again be approved by the council and indorsed and certified as required by Section 3 of this article, the said objections shall be thereby overruled. Any demand returned to the board of library trustees with the objections of the auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, the said objection by the auditor shall thereby be overruled. Any demand, the objection of the auditor to which has been overruled, shall be returned to said auditor who shall have the same power and perform the same duties in reference thereto as if the same had been at first approved by him. All such demands shall be numbered and recorded by the auditor in the same manner as those which are approved by him.

SEC. 9. No demand can be approved by any board or any officer, audited or paid, unless it specify each several item, with the date and amount thereof.

SEC. 10. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter, nor unless the demand which is paid be duly audited as in this charter provided.

The term "audited," as used in this charter, with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer and board of officers as required by the charter, or the objections of the auditor have been overruled as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited.

SEC. 11. No demand shall be approved by the auditor in favor of any person or officer, or the assignee of any person or officer, who is indebted to the city, without first deducting the amount of such indebtedness, nor in favor of any officer having the collection, custody or disbursement of public funds who shall have failed to account to the city as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or report in writing in the manner or at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor in favor of any officer who may have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of the legislature regulating the duties of such officer on being required in writing to comply therewith by the mayor or the president of the council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the auditor may examine any officer receiving a salary from the treasury on oath touching such absence.

SEC. 12. The auditor must number and keep a record of all demands on the treasury approved by him, or his objection to which have been overruled, showing the number, date, amount and name of the original and present holder, on what account allowed, out of what fund payable and by what officer or board it has been previously approved; and it shall be a misdemeanor in office for the auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

SEC. 13. Every lawful demand upon the treasury, audited and allowed as in this charter required, shall in all cases be paid upon presentation if there be sufficient money in the treasury applicable to the payment of such demand, and the demand canceled with a punch cutting the word "canceled," therein and the proper entry thereof made. If, however, there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the treasurer; such register shall show the special number given by the council or other authority and also by the auditor to each demand presented; also when presented the date, amount, name of original holder and on what account allowed, and against what appropriation drawn, and out of what specific fund payable. All demands shall be paid in the order of their registration. Each demand upon being so registered shall be returned to the party presenting it, with the indorsement of the word, "registered," dated and signed by the treasurer; but the registration of any demand shall not operate to recognize or make valid such demand if incurred contrary to law or any of the provisions of this charter.

SEC. 14. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of the bonded indebtedness of the city, and the interest coupons thereof, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

SEC. 15. Before any demand which originates in the fire, police, or park departments of the city government can be approved by the council it must first be approved by the board of commissioners having charge of such approval, must be indorsed on such demand and must be evidenced by the signature of the presiding officer of such boards and by the clerk of each.

SEC. 16. All public moneys collected by any officer or employe of the city shall be paid into the city treasury upon written order by the auditor designating the fund to which it belongs, without deduction on account of fees, commissions, or any other cause or pretense; and the compensation of any officer, employee, or other person so collecting money shall be paid by demands on the treasury, duly audited as other demands are audited and paid.

SEC. 17. No suit shall be brought upon any claim for money or damages against the City of Long Beach, its board of education, or the board of library trustees, until a demand for the same has been presented, as herein provided, and rejected in whole or in part.

ARTICLE XI.

REVENUES AND TAXATION.

SECTION 1. On or before the first Monday in July in each year the several heads of departments, offices, boards and commissions shall send to the city council an estimate in writing of the amount of expenditure, specifying in detail the object thereof, required in their respective departments, offices, boards and commissions during the year. Duplicates of these estimates shall be sent to the auditor.

SEC. 2. On or before the first Monday of July of each year, the assessor shall complete his list or assessment roll and shall attach his certificate thereto and deliver it and the books, and maps he may have accompanying the same and all the original lists of property given to him to the city auditor, and the auditor shall thereupon notify the city council and the city clerk shall thereupon notify the taxpayers of

the fact and of the time the city council will meet to equalize assessments, by publication of such notice in a daily newspaper published in the city, and in the meantime the assessment roll, books, maps and other papers accompanying the same must remain in the office of the city auditor for the inspection of all persons interested.

SEC. 3. The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now or may hereafter be prescribed by the ordinances of the city.

SEC. 4. The council shall, on the second Monday of July, sit and act as a board of equalization and be in continuous session during a period of two weeks, and shall have as regards the equalization of said lists powers similar to those conferred by law upon the board of supervisors of Los Angeles county as a board of equalization of state and county taxes.

SEC. 5. The meetings of said board of equalization shall be public. The said board shall have power to increase or diminish the amount of any assessment on said lists, both as to real and personal property; *provided*, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which shall be increased, and such owner or owners shall have the right to be heard before the board, under oath. When such assessment list or roll has been equalized it shall be returned by the council to the auditor.

SEC. 6. On or before the first Monday in August in each year, the auditor shall prepare and transmit to the council an estimate of the probable expenditures of the city for the current fiscal year, giving the amount required to meet the interest and sinking funds for any outstanding funded debts, together with the amounts needed for salaries and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be apportioned to each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses, and all other sources of revenue exclusive of taxes upon property; and shall set forth the probable amount that will be required to be levied and raised by tax upon all property in the city to meet the requirements of such fiscal year.

SEC. 7. The council shall, annually between the first and second Mondays of August, and by a vote of a majority of all the members thereof, make a budget of the amounts estimated to be required to pay the expenses of conducting the public business of the city for the fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may determine.

SEC. 8. The budget shall, when completed by the council, be delivered to the mayor, who may within five days after such delivery to him veto any item in said budget in whole or in part, and it shall require the vote of at least five members of the council to overcome such veto. After the final estimate is made in accordance herewith, it shall be signed by the mayor and city clerk and the several sums shall then be appropriated for the fiscal year to the several purposes and departments therein named. The estimate shall thereupon be filed in the office of the auditor.

SEC. 9. The council must cause to be raised annually according to law and collected by tax the amounts so appropriated, less the amounts received from fines, licenses and other sources of revenue.

SEC. 10. The council may appropriate in the aggregate during each year not to exceed one thousand dollars for necessities not otherwise provided for by law, but no money shall be paid out of this appropriation unless authorized by a vote of at least four members of the council and approved by the mayor.

SEC. 11. The council shall, before fixing the rate of the annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund, and the percentage of the tax levy shall be named for each fund, and the whole amount of the taxes and revenue of the city apportioned accordingly, and no transfers shall be made, except of balances in excess of requirements or from the general fund to meet deficiencies in any fund, unless otherwise provided in this charter.

SEC. 12. The council shall, on or before the first Monday of September, in each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all property, both real and personal, in the city necessary to raise sufficient revenue to carry on the various departments of the municipal government for the current fiscal year: *provided*, that the rate of taxes so levied shall not exceed, in any one year, one dollar for each one hundred dollars upon the assessment roll, exclusive of what may be necessary for the payment of the principal and interest on the bonded indebtedness of the city for school and library purposes.

SEC. 13. As soon as the city council has fixed the rate of taxes for the year, the auditor must complete, and enter into a separate column in the assessment book, the respective sums in dollars and cents, rejecting the fractions of a cent, to be paid on the property therein enumerated, and foot up the columns, showing the total amount of taxes, and on or before the fourth Monday in September he must deliver said corrected and completed assessment book to the city tax collector, and charge the collector with the full amount of the taxes levied.

SEC. 14. Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the party against whom such assessment is made. Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment shall not be satisfied nor discharged until the tax assessed against the property is paid, or the property sold for the payment thereof.

SEC. 15. The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles county. The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county; *provided, however*, that the council may, by ordinance, regulate the time or times and the method of the collection of said taxes within each fiscal year, and prescribe by what officer the respective duties appertaining to such collection and enforcement shall be performed. All such proceedings, sales, certificates and conveyances had, made, and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collections of state and county taxes in said county.

SEC. 16. All sales for delinquent taxes shall be made to the City of Long Beach unless otherwise regulated by ordinance.

SEC. 17. The council may, by an order entered upon its journal, extend for not exceeding thirty days the time fixed in this article for the performance of any act.

SEC. 18. All fines and forfeitures arising under the revenue and taxation laws as applied to the city, may, in civil cases, be recovered in the name of the city, and, together with all other moneys collected or received by any officer of the city, under said laws, shall be for the use of the city. When real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city in like case and in like manner, and with like effect as it may be struck off or sold to the state when offered for sale for state and county taxes, and the council shall have the same powers and duties in relation to such property as are given by law to the state board of equalization in case of a sale to the state, but no certificate or receipt need be delivered to the state controller.

SEC. 19. No officer shall be required to send or transmit any statement or report to any state, officer or board.

SEC. 20. All papers and instruments required to be filed or recorded with or by the county recorder by the revenue or taxation laws of this state, shall, under said laws as applied to the city, be, in like manner and with like effect, filed with and recorded by the county recorder of Los Angeles county.

SEC. 21. Whenever the council shall determine that the public interest requires the construction, or acquisition, or completion of any permanent municipal building, school building, high school building, sewer, property, water right, bridge, or other public improvement, or utility, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a debt for such purpose, and proceed therein as provided in section eighteen of article eleven of the constitution of this state and general law or laws thereof; *provided*, that such indebtedness shall not bear more than five per cent interest per annum, and that no bond issue therefor shall be sold for less than par value and to the highest bidder, after advertising for sealed proposals therefor.

SEC. 22. It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

SEC. 23. Immediately after fixing the assessment of such property he shall serve on its owner or owners a notice in writing, which shall certify the assessed valuation of the property, the rate of taxation, and the amount of tax payable, and contain a demand for the payment of said tax within three days after the service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed. Upon the expiration of said three days after such service, if the tax demanded still remains unpaid, or payment thereof be not secured to the satisfaction of the city attorney and city assessor, the assessor shall forthwith proceed to collect the same by seizure of any personal property owned by the delinquent.

SEC. 24. The said sale shall be made by him in the manner provided in sections thirty-seven hundred and ninety-one, thirty-seven hundred and ninety-two,

thirty-seven hundred and ninety-three, thirty-seven hundred and ninety-four, thirty-seven hundred and ninety-five, and thirty-seven hundred and ninety-six of the Political Code of the State of California; *provided*, that the newspaper referred to in section thirty-seven hundred and ninety-two shall be published in the City of Long Beach.

SEC. 25. As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

SEC. 26. Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

SEC. 27. The assessor shall carefully note upon his assessment list, and also in a book to be kept by him for the purpose, all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

SEC. 28. In case the assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the council is authorized and directed to cause proper action or actions at law to be brought against said assessor and the sureties on his official bond to recover the same.

ARTICLE XII.

FRANCHISES.

SECTION 1. In the granting of franchises the city and city council shall be governed by the general law of the state in force at the time, which is hereby declared to be, and is hereby made, a part of this charter, so far as it is or may be applicable to the class of cities to which this municipality may belong.

ARTICLE XIV.

JUDICIAL DEPARTMENT.

SECTION 1. There is hereby created and established in and for the City of Long Beach a police court, which is hereby vested with the judicial powers of the city.

SEC. 2. The police court shall be presided over by a judge who shall be elected by the qualified electors of the city and shall serve for a term of two years.

SEC. 3. The judge of the police court shall be a regularly qualified elector of the state and shall have been a resident of the city for the two years next preceding the date of his election to the office.

SEC. 4. The said police court shall have jurisdiction of the following offenses committed within the corporate limits of the city:

Petit larceny.

Assault or battery not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the offense a felony;

Breaches of peace, riots, affrays, committing a wilful injury to property, and all misdemeanors punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both such fine and imprisonment.

The said police court shall have exclusive jurisdiction:

Of all proceedings for the violation of any ordinance of the city, both civil and criminal;

Of any action for the collection of taxes or assessments levied for any city purpose, when the amount of the tax or assessment sought to be collected of the person assessed is less than three hundred dollars; but no lien upon the property taxed or assessed for the non-payment of the taxes or assessments can be foreclosed in such action;

Of any action for the collection of any money payable to the city or from the city to any person when the amount sought to be collected, exclusive of the interest and costs, is less than three hundred dollars;

For the breach of any official bond given by any city officer, or for the breach of any contract and any action for damages in which the city is a party, and upon all forfeited recognizances given to or for the benefit or in behalf of the city, and upon all bonds given upon any appeal taken from the judgment of the court in any of the cases above named, where the amount claimed, exclusive of costs, is less than three hundred dollars;

For the recovery of personal property belonging to the city, when the value of the property, exclusive of the damages for the taking or detention, is less than three hundred dollars.

SEC. 5. In the exercise of his jurisdiction the police judge may punish persons guilty of contempt of court, and may issue warrants of arrest, subpœnas, venires, executions and all other process necessary and proper and may administer oaths.

SEC. 6. In all cases in which the judge of the police court is interested or in which he is related to a party to the action or proceeding, either by consanguinity or affinity within the third degree, and in case of his absence, sickness or inability to act, any justice of the peace of Los Angeles county may, at the written request of the judge, act in his stead.

SEC. 7. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court, and shall pay weekly into the city treasury all fines and other moneys received by him, belonging to the city. He shall, on the first Monday in each month, file with the auditor an exact and detailed account in writing, under oath, of all fines imposed and collected, and of all fines imposed and not collected, and of all other moneys collected by him for or on behalf of the city.

SEC. 8. The city shall furnish a suitable room for said police court and shall also furnish the necessary dockets and blanks for the use of said court.

SEC. 9. All fees received or collected by said court shall be the property of the city.

SEC. 10. The rules of practice and modes of proceeding in the police court shall be the same as are, or may be, prescribed by law for justice courts in like cases and appeals may be taken to the superior court of the county from all judgments of said police court in like manner and with like effect as in cases of appeals from justice courts.

ARTICLE XV.

ELECTIONS.

SECTION 1. Elections to be held in said city for the purpose of electing the officers of said city, and for all other purposes, are of two kinds;

(1) General municipal elections.

(2) Special elections.

SEC. 2. General municipal elections shall be held in said city on the first Tuesday in December, 1907, on the first Tuesday in December, 1909, and on the first Tuesday in December every two years thereafter, at which shall be elected:

A Mayor.

Seven members of the City Council.

A Clerk, who shall be ex-officio Assessor.

Attorney.

Treasurer.

Police Judge.

Auditor.

Tax and License Collector.

SEC. 3. All officers provided to be elected by this charter shall take office on the first Monday after the first day of January next after their election.

For the sole purpose of election of the officers directed by this charter to be elected by the people, this charter shall take effect immediately after its approval by the legislature; and such election shall be managed and conducted in accordance with the general election laws of the state. For all other purposes this charter shall take effect on the first Monday after the first day of January, 1908.

In the case of a special election to fill a vacancy, the person elected shall, after qualifying, as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected, and shall serve for the remainder of the term and until his successor shall have been elected and qualified.

SEC. 4. In the event of a vacancy in the city council, a special election for the purpose of filling the same shall be ordered and held without delay. In the event of a vacancy in any other elective office the council shall fill such vacancy for the unexpired term.

SEC. 5. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter, or by ordinance; *provided*, that in case such questions is required by said constitution, law, charter or ordinance to be submitted at special or other particular kind of election, it shall be so submitted, and not otherwise.

THE INITIATIVE.

SEC. 6*a*. Any proposed ordinance may be submitted to the council by a petition signed by the registered voters of the city equal in number to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving the street and number. One of the signers of such paper shall make oath before an officer competent to administer oaths, that the statements therein made are

true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to thirty per cent. of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(*a*) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of section 6*b* of this charter); and if the ordinance shall be passed by the council, but shall be vetoed by the mayor, and on reconsideration shall fail of passage by the council, then, within five days after determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(*b*) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least ten per cent. but less than fifteen per cent. of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a binding and valid ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided* that there shall not be held under this section of the charter, more than one special election within a period of 12 months.

The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

THE REFERENDUM.

SEC. 6*b*. No ordinance passed by the city council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least twenty-five per cent of the entire vote cast for all candidates for mayor at

the last preceding general election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in section 6*a* of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section 6*a*, except as to the percentage of signers, and be examined and certified by the clerk in all respects as is therein provided.

THE RECALL.

SEC. 6*c*. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 40 per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding the election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided* that the petition sent to the council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay. If the petition shall be found to be sufficient the city council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects as are other city elections.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

SEC. 7. If any special election be ordered held and conducted, it shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

SEC. 8. The council of said city shall by ordinance order the holding of all elections. Such ordinances shall specify the object and time of, and place and places within the limits of each ward, for the holding of such election, and the names of the inspector and judges for each ward or precinct of each ward as the case may be, who must be residents thereof, to conduct the holding of and make returns of such election; *provided* that the council may by said ordinance divide any of the wards into two or more precincts, specifying the boundary of each precinct, and provide for the holding of an election in each of said precincts. Said ordinance shall be published in some daily newspaper, printed and published in said city, for at least ten days prior to the time appointed for the holding of the elections.

SEC. 9. Returns of all elections shall be made to the council, who shall, within ten days thereafter, either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of election to be issued by

the city clerk to the persons elected. The council shall be the judge of the qualifications of all the elective officers.

SEC. 10. All elections shall, in all other respects, be conducted and held in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time.

SEC. 11. No person shall be eligible to any municipal office under this charter who at the time of his election or appointment is not a qualified elector of this city and to be eligible to the office of member of the council, the person elected must also have been a resident of the ward from which he is elected for at least two years next preceding his election; and in case any member of the council shall remove from the ward which he represents, his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is thereby included within a different ward from that from which he was elected shall lose his office by reason of such change.

SEC. 12. The qualifications of an elector at any election held in pursuance of this charter shall be the same as those prescribed by the laws of this state for an elector at a general state election, in force at the time of such election; *provided* that when any such municipal election is held after the completion of the register for any general state election, all persons who are on the last such register completed, and also all persons who have registered since the completion thereof, and before the closing of registration for such municipal election, shall be entitled to vote at such municipal election. Registration and transfers of registration for any such municipal election shall cease for the same period before the holding thereof as it or may be provided in the case of general state elections.

It shall be the duty of the county clerk of the county of Los Angeles to keep his office open for registration for at least sixty days prior to the closing of registration for such municipal election, and to register all qualified electors of said city who may apply for such registration during that time.

SEC. 13. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general state election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers and changes since the closing of registration for such general state election. It shall be the duty of the county clerk of the county of Los Angeles to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

SEC. 14. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

MISCELLANEOUS PROVISIONS.

SECTION 1. In all cases where lands in the city shall hereafter be subdivided and laid out into blocks or lots, streets and alleys, or when new streets, alleys or public places are laid out, opened, donated or granted to the public, the map or plat thereof shall be submitted to the council and the city engineer for their approval, and if such council and engineer approve the same such approval shall be endorsed upon such map or plat, the approval of the council being evidenced by the certificate of the clerk thereof and no street, alley or public place hereafter opened and by such map or plat dedicated as such, shall become or be accepted by the council as a public street, alley or place or be subject to any public improvement, without such approval or endorsement.

SEC. 2. No councilman or other city officer or employé shall be interested, directly or indirectly, in any contract to which the city is a party or which is made by any officer of the city in behalf of the city. And any such contract in which any such councilman, officer or employé is interested shall be void. Any violation of this section by any such councilman, officer or employé shall be a misdemeanor and be punishable as such, and upon conviction the office of such councilman, officer or employé shall be declared vacant by the council. And such vacancy shall be filled as herein provided for the filling of other vacancies.

SEC. 3. No recourse shall be had against the City of Long Beach for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the city for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or for want of repair of any sewer, nor shall there be any recourse against the city for damages to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by the falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed

the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damages sustained.

SEC. 4. In any action, suit or proceeding in any court concerning an assessment of property or levy of taxes authorized by this charter, or the collection of such taxes, or in the proceedings consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regularly and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this charter committed or left to the discretion of the mayor or council or other authorities of the city such discretion or judgment, when expressed or declared, is final, and cannot be reviewed or called in question elsewhere.

SEC. 5. In all prosecutions for violation of city ordinances, rules or other regulations, whether in the court of original jurisdiction or in any appellate court, it shall not be necessary to plead the contents of such ordinance, rule or regulation, but the court before which the prosecution is pending shall take judicial notice of such ordinance, rule or regulation and of the contents thereof; and in any civil action in which the city is a party either as a plaintiff or defendant the adoption and contents of any ordinance, rule or regulation, of said city may be prima facie proven by the introduction of the original thereof on the journal of the proceedings of the council, or by a copy of such entry, certified to by the city clerk under the seal of the city to be a full, true and correct copy of such original entry.

SEC. 6. The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June following.

SEC. 7. All ordinances and resolutions of the city and all regulations or rules prescribed by or for the government of any of its departments, officers or employés, which are in force at the time of the taking effect of this charter and which are not inconsistent therewith, shall continue in force until altered, amended or repealed.

SEC. 8. All rights, actions, proceedings, prosecutions and contracts of the city, or any of its departments or officers, in progress, begun or in existence at the time of the taking effect of this charter, and not inconsistent therewith, are hereby preserved, and shall continue to be valid, and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

SEC. 9. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the state in force at the time are hereby declared to be, and shall be, a part of this chapter so far as the same are or may be applicable to the class of cities to which this municipality may belong.

SEC. 10. Whenever the word "city" occurs in this charter it means the City of Long Beach, and whenever any department, board or officer is mentioned in this charter it means such department, board or officer, as the case may be, of the City of Long Beach.

SEC. 11. The board of trustees of the City of Long Beach, in office at the time this charter is approved by the legislature, shall provide for the holding of the first election of officers under this charter, shall canvass the vote and declare the result.

SEC. 12. The officers of the city in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the first Monday after the first day of January, 1908. The school trustees of the Long Beach City School District in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the members of the first board of education elected under this charter.

SEC. 13. No person shall be appointed to, or removed from, any office under this charter because of his political or religious opinions. In making appointments the appointive power shall consider only the good of the public service and the fitness of the appointee for and his ability to discharge the duties of the office to which he is appointed.

AMENDMENTS.

SECTION 1. This charter may be amended at intervals of not less than two years, by proposals therefor, submitted by the city council to the qualified electors of the city, at a general or special election held at least forty days after the publications of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by at least three fifths of the qualified voters voting thereat, and approved by the legislature, as provided in the constitution of the State of California for the approval of this charter in the first instance. In submitting such proposals alternative propositions may be pre-

sented for the choice of the voters, and may be voted on separately without prejudice to the others.

SEC. 2. The proposals for the amendment of this charter referred to in the preceding section may be submitted by the city council on its own motion, but must be submitted by the city council in the manner provided in said section, whenever a petition is presented to such council, signed by a number of the qualified electors of the city equal to thirty per centum of the votes cast at the preceding general city election, asking that an amendment or amendments to this charter to be set out in such petition be submitted to the vote of the electors of the city. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each paper shall make oath, before an officer competent to administer oaths, that the statements made therein are true and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

SEC. 3. The city council must make all necessary provisions for submitting the proposed amendment or amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 4. The tickets used at such elections shall contain the words, "For the amendment," (stating the nature of the proposed amendment) and "Against the amendment," (stating the nature of the proposed amendment).

CERTIFICATE.

WHEREAS, The City of Long Beach, a city containing a population of more than three thousand five hundred inhabitants, did, on the first day of October, A. D. 1906, at a special election, and under and in accordance with the provisions of section eight, article eleven, of the constitution of the State of California, elect the undersigned a board of fifteen freeholders to prepare and propose a charter for said city;

BE IT KNOWN, that in pursuance of said provision of the constitution, and within the period of ninety days after such election, the said board of freeholders has prepared and does propose the foregoing articles, signed in duplicate, as and for the charter of the said City of Long Beach.

In addition to the foregoing charter, the board of freeholders, pursuant to said provisions of the constitution, also present with said charter for the choice of the voters, and to be voted upon separately, without prejudice to the other provisions and sections of said charter, two alternative propositions hereinafter stated and designated as alternative proposition number one and alternative proposition number two, one only of which shall become part of such charter.

ALTERNATIVE PROPOSITION No. 1.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person, either as principal, agent, servant or employé, shall open, establish, keep, maintain, or carry on, within the corporate limits of Long Beach, any tippling house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spiritous, vinous, malt or other alcoholic liquors are sold or given away; *provided*, that this section shall not apply to hotels, containing not less than fifty bedrooms, furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations as may be adopted by the council; *and provided further*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 2. Any person violating section (1) of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

ALTERNATIVE PROPOSITION No. 2.

ARTICLE XIII.

ALCOHOLIC LIQUORS.

SECTION 1. No person, either as principal, agent, servant or employé, shall open, establish, keep, maintain or carry on within the corporate limits of Long Beach, any tippling house, dram shop, cellar, saloon, bar, bar room, sample room or other place where spiritous, vinous, malt or other alcoholic liquors,

are sold or given away; *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 2. Any person violating section 1 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars and not less than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

Said alternative propositions shall be submitted for the choice of the voters at the same time at which the charter shall be submitted, and upon the ballots shall be printed:

For Alternative Proposition No. 1.—Providing that hotels may, under restrictions by the council, serve light drinks to customers as part of regular meals.

For Alternative Proposition No. 2.—Providing that there shall be no sale of intoxicants in this city save by druggists under proper restrictions.

Voters shall be entitled to vote either for or against the charter, and also for one of the two alternative propositions; and the respective alternative proposition receiving the greatest number of votes shall be thereby adopted and become Section XIII of the charter.

Said charter, including this certificate, shall be published for twenty days in daily newspapers printed, published and circulated in the City of Long Beach, and after such publication it shall be submitted to the qualified electors of said city at a special election to be held therefor at such time as the board of trustees of said city may designate; and if a majority of the qualified electors of the city, voting at said election, shall ratify the same, it shall be submitted to the legislature of the State of California for its approval or rejection.

The said board of trustees of said city shall provide for the holding of the first election of officers under this charter, in accordance with the provisions of the charter and the general election laws of the state, and shall canvass the votes and declare the result.

If the legislature approve this charter, it shall thereupon become the charter and organic law of the City of Long Beach, except as herein provided.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Long Beach in the State of California, this 3rd day of Dec., A. D. 1906.

L. B. PALMER, PRESIDENT.
HARRY BARNDOLLAR.
THOS. W. WILLIAMS.
W. B. JULIAN.
J. C. WILHOIT.
A. M. GOODHUE.
FRANK A. CROWE.
A. B. AUSTIN.
E. L. WINGARD.
JESSE DRISKILL.
S. TOWNSEND.
J. A. MILLER, SEC.

OFFICE OF THE PRESIDENT OF THE BOARD OF TRUSTEES.

CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA. } ss.

I, F. H. DOWNS, President of the Board of Trustees of the City of Long Beach, State of California, do hereby certify that the Board of Freeholders a majority of whose names appear signed to the foregoing proposed charter, were, on the first day of October, 1906, at a special municipal election held in said City of Long Beach on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me, as President of said Board of Trustees, within ninety days after said election, as required by Section 8 of Article XI of the Constitution of this State; that such proposed charter was then published in The Daily Telegram and in the Long Beach Tribune, which then were daily newspapers of general circulation, printed, published and circulated in said City of Long Beach, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made

within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said Section 8, to-wit: on the 5th day of February, 1907, said charter was submitted to the qualified electors of said city; that a special election duly held therein for the purpose of ratifying or rejecting said proposed charter, and for adopting or rejecting said alternative proposition No. 1, or alternative proposition No. 2, presented with said charter for the choice of said voters and to be voted on separately; that said proposed charter, as a whole, was duly ratified at said election by a majority of the votes of the qualified electors of said City of Long Beach, and that Alternative Proposition No. Two was also ratified at the same time and in the same manner, and the same thereby became and is Article XIII of said proposed charter, and that Alternative Proposition No. One was rejected; that all of said elections and publications and acts, matters and things in connection with and relating to said proposed charter and alternative propositions were held, made, done and occurred pursuant to the orders, resolutions and publications of the Board of Trustees of said City of Long Beach in compliance with Section 8, Article XI, of the Constitution of the State of California; and that the returns of said election were duly canvassed by the Board of Trustees of the City of Long Beach on the 11th day of February, 1907, and the result thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter the provisions of said section of the constitution and the law of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the said City of Long Beach to be affixed this 11th day of February, 1907.

[SEAL]

F. H. DOWNS,
President of the Board of Trustees of the City of Long Beach, State of California.

ATTEST:
FRED. B. BALDWIN, City Clerk of the City of Long Beach.

Now, therefore, be it resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution concurring herein), that said charter of the City of Long Beach, including said Alternative Proposition No. Two, as presented to and adopted and ratified by the qualified electors of said City of Long Beach as hereinabove set forth, be and the same is hereby approved, as a whole, as and for the charter of the said City of Long Beach as aforesaid.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 18 adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Bishop, Boyle, Case, Cogswell, Cornish, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—Messrs. Johnson of Sacramento and Ludington—2.

Concurrent resolution ordered transmitted to the Senate.

THIRD READING OF BILLS.

Assembly Bill No. 395—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles, and other articles, providing for the collecting thereof, and making the violations of this Act a misdemeanor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 395 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Case, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Hammon, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington,

Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wilson, and Mr. Speaker—45.

NOES—Messrs. Butler, Cogswell, Costar, Forbes, Pierce, Wessling, Whitmore, and Wyatt—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 322 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Wessling, Whitmore, Wyatt, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 296 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Costar, Cullen, Cutten, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 144—An Act to provide for making repairs and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 144 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Case, Chandler, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wyatt, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Stetson asked for and was granted unanimous consent to withdraw Assembly Bill No. 559—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California—it being identical with Senate Bill No. 521 now in this House, and to substitute therefor on file Senate Bill No. 521.

Assembly Bill No. 559 withdrawn and ordered stricken from the file.

Senate Bill No. 521—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 521 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smyth, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. McConnell asked for and was granted unanimous consent to withdraw Assembly Bill No. 97—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the school of agriculture, and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose—it being identical with Senate Bill No. 9 now in this House, and to substitute therefor on file Senate Bill No. 9.

Assembly Bill No. 97 withdrawn and ordered stricken from the file.

Senate Bill No. 9—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work, and the operation of the school of agriculture, and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Butler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington,

Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.
NOES—Messrs. Case and Chandler—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 566 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Butler, Case, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 589—An Act to add a new article to Chapter III, of Part III, of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 589 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Wessling, Wilson, Wyatt, and Mr. Speaker—58.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 712—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 712 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Wilson, Wyatt, and Mr. Speaker—62.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 417 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Butler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

Assembly Bill No. 423—An Act to amend Section 2653 of the Political Code, relating to property highway tax.

Assembly Bill No. 553—An Act to amend Section 2979 of the Political Code, relating to duties of the State Board of Health.

Assembly Bill No. 140—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the civil war, at the Woman's Relief Corps Home, at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 792—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 792 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers and dependent daughters and sisters of Union veterans, who served honorably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 79 passed by the following vote:

AYES—Messrs. Barry, Baxter Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Butler, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Sackett, the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

CONSIDERATION OF SENATE AMENDMENTS.

The Speaker ordered the consideration of Senate amendments to Assembly Bills Nos. 113 and 299, and the same were proceeded with.

Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 113?"

SENATE AMENDMENT.

On page 1, Section 1, lines 6 and 7, strike out the words "are authorized and required once in every year to," and insert in lieu thereof the following: "must once in every year."

The roll was called, and Senate amendment to Assembly Bill No. 113 concurred in by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wyatt, and Mr. Speaker—58.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 299—An Act entitled "An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts."

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 299?"

SENATE AMENDMENT.

Amend as follows: On line 4 of the printed bill, the words "action creating new districts void in certain events" shall be printed in italics.

The roll was called, and Senate amendment to Assembly Bill No. 299 was concurred in by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wyatt, and Mr. Speaker.—62.

NOES—None.

Bill ordered to enrollment.

SPECIAL ORDER.

The hour of two o'clock having arrived.

The special order heretofore set for consideration at this hour was taken up, viz:

Assembly Constitutional Amendment No. 2—Amending the Constitution, relative to the day of rest.

POINT OF ORDER.

Mr. Coghlan arose and made the following point of order:

The fact that printed copies of the bill have not as yet been laid upon the desks of the members, as required by the provisions of the Constitution, the bill can not now be placed upon its adoption.

The Speaker declared the point of order well taken, and called the next number on file.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, further consideration of Assembly Constitutional Amendment No. 2 was made a special order for two o'clock P. M. of Wednesday, February 20, 1907.

BILL RECALLED AND RE-REFERRED.

On motion of Mr. Coghlan, Assembly Bill No. 898—An Act creating a Public Relief Commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of the commissioner, and repealing all Acts and parts of Acts in conflict herewith—heretofore referred to Committee on Municipal Corporations, was recalled therefrom and, together with resolution offered by Mr. Kelly, printed in the Journal of February 14, 1907, referred to Committee on Judiciary.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

During third reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "one deputy clerk at eighteen hundred dollars ($1,800) per annum," on lines 10 and 11, first page, printed bill.

Amendment lost.

Bill read third time, and passed on file for further consideration.

RE-REFERENCE OF BILL.

On motion of Mr. Berry, Assembly Bill No. 507—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings—was re-referred to Committee on Public Health and Quarantine.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 440—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 440 passed by the following vote:

AYES—Messrs, Barry, Baxter, Beckett, Bell, Birdsall, Boyle, Campbell, Case, Chandler, Coghlan, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval, March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9.

Bill read third time on a previous day.

Mr. Campbell moved to make the further consideration a special order for two o'clock P. M. of Monday, February 25, 1907.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 241 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Butler, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Percival, Pierce, Pyle, Sackett, Smith, Smyth, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—58.

NOES—Messrs. Baxter, Bishop, Campbell, Drew, Estudillo, Higgins, Jury, Otis, and Root—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Bill read third time on a previous day.

Mr. John moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend Section 4 by inserting after the word "distributing," line 10, Section 4 of printed bill, the following: "*provided*, that no conviction shall be had when a conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed, marked for identification, and one of such samples left with the person accused."

Motion carried.

The Speaker appointed Mr. John as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 35, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHN, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint and reëngrossment.

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 69 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Costar, Cullen, Cutten, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—Messrs. Davis, Lucas, and Otis—3.

Title read and approved.

Bill ordered transmitted to the Senate.

RE-REFERENCE OF BILL.

On motion of Mr. Johnson of Sacramento, Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same—was re-referred to Committee on Judiciary.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 86—An Act to provide for the purchasing of a site and building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 86 refused passage by the following vote:

AYES—Messrs. Hammon, Johnson of Sacramento, Kelly, Leeds, Pierce, Root, Sackett, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, and Wessling—13.

NOES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Chandler, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Fisher, Fratessa, Hartmann, Held, Higgins, Johnson of San Diego, Jury, Kohlman, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Smith, Snyder, Spaulding, Strohl, Strobridge, Toomey, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

RE-REFERENCE OF BILL.

On motion of Mr. Estudillo, Assembly Bill No. 42—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers—was re-referred to Committee on Judiciary, but to retain its place on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 567 passed by the following vote:

AYES—Messrs. Barry, Birdsall, Boyle, Campbell, Chandler, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, Otis, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—44.

NOES—Messrs. McKeon, Percival, and Wyatt—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379—An Act to add a new section to the Penal Code, to be numbered Section 928*a*, and relating to the powers of grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 379 refused passage by the following vote:

AYES—Messrs. Baxter, Butler, Devlin, Johnson of Sacramento, McKeon, Percival, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Wessling, and Whitmore—12.

NOES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Boyle, Campbell, Chandler, Cogswell, Coghlan, Cullen, Davis, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Smith, Smyth, Strohl, Thompson of San Francisco, Transue, Vogel, Wilson, Wyatt, and Mr. Speaker—45.

Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 586 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Birdsall, Bishop, Boyle, Butler, Campbell, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—Mr. Percival—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California to be numbered 1893, relating to duties of school trustees and city boards of education, regarding fraternities in public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 587 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Bishop, Boyle, Butler, Campbell, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Wessling, Whitmore, and Wilson—54.

NOES—Messrs. Bell, Birdsall, Coghlan, Drew, Hammon, Held, Leeds, Pierce, Thompson of San Francisco, Wyatt, and Mr. Speaker—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 542—An Act to amend Section 1771 of the Political Code, relating to duties of county boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 542 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Campbell, Cogswell, Cornish, Costar, Davis, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—Messrs. Chandler and Fisher.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 252 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Coghlan, Cornish, Costar, Cullen, Davis, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals.

During the third reading of the bill, Mr. Stetson moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add after the enacting clause:

"A new section is hereby added to the Political Code of the State of California, to be known as Section 2181*a*, to read as follows: 2181*a*."

Motion carried.

The Speaker appointed Mr. Stetson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 350, with instructions, do now report that the instructions of the Assembly have been carried out.

STETSON, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 536—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 536 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 353 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Boyle, Chandler, Cogswell, Cornish, Davis, Devlin, Estudillo, Forbes, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strobridge, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

During the third reading of the bill, Mr. Coghlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by adding on line 3, of the printed bill, the following figures: "1855" and the letter "*a*," to read "1855*a*," immediately before the word "whenever," in line 3 of printed bill.

Motion carried.

The Speaker appointed Mr. Coghlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 261, with instructions, do now report that the instructions of the Assembly have been carried out.

COGHLAN, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring or setting adrift of rafts or vessels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 663 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Cogswell, Cornish, Costar, Cullen, Devlin, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read.

Mr. Johnson of Sacramento moved to amend the title as follows:

Strike out the word "two" in the title and insert the word "three," and after the figures "608*b*" add "and 608*c*."

Amendment adopted.

Title as amended read and approved.

Bill ordered to reprint and to the Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds and mortgages, accompanied by a certificate of title or abstract of title.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 28 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Chandler, Cornish, Costar, Cullen, Davis, Devlin, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Smith, Snyder, Spaulding, Strohl, Strobridge, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 10—An Act appropriating the sum of seven thousand dollars for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 10 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Chandler, Cornish, Costar, Cullen, Davis, Devlin, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 289—An Act to amend Section 70 of the Civil Code, and declaring that marriage may be solemnized by a Justice of a District Court of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 289 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Cornish, Costar, Cullen, Davis, Devlin, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington,

Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.

TIME FIXED FOR DAY'S ADJOURNMENT.

At five o'clock and twenty-eight minutes P. M., Mr. Transue moved that when the Assembly adjourn this day it be at six o'clock P. M.
Motion carried.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 169—An Act to amend Section 1160 of the Political Code, relating to elections and the time the polls must be opened and closed.
Bill read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 169 finally passed by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Boyle, Butler, Campbell, Chandler, Coghlan, Cornish, Costar, Cullen, Davis, Devlin, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.
NOES—Mr. Baxter—1.

Title read and approved.
Bill ordered transmitted to the Senate.
Senate Bill No. 42—An Act to amend an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887 (Stats. 1887, p. 82), by including the badge or button of the United Spanish War Veterans within the provisions of said Act.
Bill read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 42 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Butler, Campbell, Chandler, Cogswel Coghlan, Cornish, Costar, Cullen, Davis, Devlin, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, Otis, Pierce, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.
Senate Bill No. 288—An Act to repeal Chapters III, IV, V, and VI, of Title IV of the Political Code, as said chapters existed on the 17th day of March, 1905, relating to the State militia.
Bill read third time.
The question being on the passage of the bill.
The roll was called, and Senate Bill No. 288 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Cornish, Costar, Davis, Devlin, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington,

McConnell, McKeon, Otis, Pierce, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 101—An Act to amend Section 2981 of the Political Code of the State of California, relating to the meetings of the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 101 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Davis, Devlin, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, McConnell, McKeon, Otis, Pierce, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wyatt, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 262—An Act to add a new section to the Polit Code of the State of California, to be known as Section 2979*a*, relatin to duties of the State Board of Health.

Bill read third time, and passed on file for further consideration.

Senate Bill No. 142—An Act to amend Section 2979*a* of the Political Code of the State of California, relating to the preservation of the public health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 142 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Boyle, Butler, Chandler, Cogswell, Cornish, Costar, Cullen, Davis, Devlin, Forbes, Fratessa, Hartmann, Held, Hewitt Higgins, John. Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Ludington, McConnell, McKeon, Otis, Pierce, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wyatt, and Mr. Speaker—41.
NOES—Mr. Bishop—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 90—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof.

During second reading of bill, the following amendments were submitted by Mr. Transue:

AMENDMENT NO. 1.

Amend Section 1, line 5, page 1 of printed bill, by inserting after the word "property" the following: "except such personal property that may be exempt from execution."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, lines 9 and 10 of printed bill, the words "and as to all subsequent purchasers and mortgagees in good faith and for value," after the word "vendee," on line 9, and inserting the following after the word "vendee," on line 9, the punctuation mark ","

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 1, lines 14 and 15 of printed bill, the words "such vendee resides and also of the county in which."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of Section 1, line 25 of printed bill, the word "as" after the word "property," and inserting in lieu thereof the following: "a."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of Section 1, line 28 of printed bill, the words "If such vendor shall refuse to deliver to the vendee, or his successor in interest on demand, after such vendee, or such successor in interest has performed the said contract, a written statement that the vendor has released all claim to said property under said contract, then said vendor shall forfeit to said vendee, or to his successor in interest, the sum of one hundred dollars."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by Mr. Transue:

AMENDMENT No. 1.

At the end of page 2, of the printed bill, add the following:

"Seventh. In the case of confectionery: If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound, or narcotic drug."

Amendment adopted.

AMENDMENT No. 2.

Before the word "reduce," in line 22, page 2 of the printed bill, insert the word "injuriously," and before the word "lower," in line 22, page 2 of the printed bill, insert the word "injuriously."

Amendment adopted.

AMENDMENT No. 3.

At the end of line 17, Section 1, page 2 of the printed bill, strike out the period (.), and insert in lieu thereof the following: "; *provided*, that no article of food shall be deemed adulterated, mislabeled or misbranded within the provisions of this Act, when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if such foods shall be in fact sold, or kept or offered for sale for domestic uses and consumption, then this proviso shall not exempt said article from the operation of any provisions of this Act."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

THIRD READING OF BILLS.

Assembly Bill No. 844—An Act to repeal Title XVI, of Part IV, of Subdivision First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title

XVI, to take the place thereof in said code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

During the third reading of the bill, Mr. Otis moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out the words "sound age and," on line 1 of Section 643, eighth page, printed bill, and inserting in lieu thereof the following: "full age and sound."
Also: Amend by striking out the word "to," on line 30 of Section 637, on sixth page, printed bill.
Also: Amend by striking out the word "reports," on line 7 of Section 645, ninth page, printed bill, and by inserting in lieu thereof the following: "oath."

Motion carried.

The Speaker appointed Mr. Otis as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 844, with instructions, do now report that the instructions of the Assembly have been carried out.

OTIS, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the John Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

During the third reading of the bill, Mr. Birdsall moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out of line 4 of title of bill the word "John," and insert in lieu thereof the word "James."
Also: Strike out the word "John," on line 5, of Section 1 of printed bill, and insert in lieu thereof the word "James."

Motion carried.

The Speaker appointed Mr. Birdsall as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 623, with instructions, do now report that the instructions of the Assembly have been carried out.

BIRDSALL, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 624—An Act making an appropriation of five hundred dollars ($500) for the purpose of repairing and preserving the John Marshall monument at Coloma, and for the care and improvement of the grounds around said monument.

During the third reading of the bill, Mr. Birdsall moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out of line 3, of title of bill, the word "John," and insert in lieu thereof the word "James."
Also: Strike out the word "John," on line 5 of Section 1 of printed bill, and insert in lieu thereof the word "James."

Motion carried.

The Speaker appointed Mr. Birdsall as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 624, with instructions, do now report that the instructions of the Assembly have been carried out.

BIRDSALL, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

During the third reading of the bill Mr. Wyatt moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out Sections 2 and 3 of printed bill.

Also: Strike out the word "Sections," in line 2 of the title to the printed bill, and insert in lieu thereof the word "Section," and strike out the words "thirteen hundred and seventy-nine and thirteen hundred and eighty-three," in lines 2, 3, and 4 of said title, and also the word "all" in line 4 thereof.

Motion carried.

The Speaker appointed Mr. Wyatt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 180, with instructions, do now report that the instructions of the Assembly have been carried out.

WYATT, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman.

Senate Bill No. 58 referred to Committee on Ways and Means.

ADJOURNMENT.

At six o'clock and five minutes P. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Tuesday, February 19, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 19, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for this day: Messrs. Stanton and Forbes.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Sackett, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 678—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.

Also: Assembly Bill No. 679—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.

Also: Assembly Bill No. 680—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Also: Assembly Bill No. 681—An Act to add a new section to the Political Code of the State of California, to be known as Section 2644*a*, relating to the oath and bond of road overseers.

Also: Assembly Bill No. 682—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Report these five bills back, and say that it sees no legal objection to their passage, but express no opinion as to the advisability of their passage.

Also: Has had under consideration Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court—and report the same back with three amendments, and recommend its passage as amended.

Also: Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597*a*, Section 597*b*, Section 597*c*, and Section 597*d*, relating to docking of horses' tails, and providing a punishment therefor—and again recommend its passage.

Also: Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment—and recommend its passage.

Also: Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code, and to add a new section to said code, to be numbered Section 590*a*, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts or stones, or guide posts on or near highways, to the punishment thereof, and to the disposition of fines collected therefor—and recommend its passage.

Also: Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace—and recommend its passage.

Also: Assembly Bill No. 677—An Act to amend Section 249 of the Penal Code, relating to punishment of libel—and recommend its passage.

Also: Assembly Bill No. 71—An Act to amend Sections 801 and 802 of the Penal Code of the State of California, relating to the time of commencing criminal actions—and recommend its passage.

Also: Assembly Bill No. 584—An Act to confer further powers upon the Board of Railroad Commissioners—and recommend its passage.

Also: Assembly Bill No. 766—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883—and recommend its passage.

Also: Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in the assessment books—and recommend its passage.

Also: Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases—with two amendments, and recommend its passage as amended.

Also: Assembly Bill No. 704—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity—and recommend its passage.

Also: Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner—and recommend its passage.

Also: Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions—and recommend its passage.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on their respective files for second reading.

ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR SPEAKER: Your Committee on State Library, to whom was referred Senate Bill No. 504—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

O'BRIEN, Chairman.

Senate Bill No. 504 ordered on file for second reading.

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Assembly Bill No. 653—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Also: Assembly Bill No. 654—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ROOT, Chairman.

The above reported bills referred to Committee on Ways and Means.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 364—An Act appropriating $13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco.

Also: Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Have had under consideration Assembly Bill No. 845—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No 380—Authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a home telephone system at the Napa State Hospital, between the various wards and departments thereof, and making an appropriation therefor.

Also: Assembly Bill No. 376—An Act providing for the building of cottages for guards at the State Prison at San Quentin, and appropriating money therefor.

And respectfully report the same back, and recommend that they do not pass.

Also: Have had under consideration Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

And respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook, or bank-book, or statements of his deposit account within a certain time, or be concluded thereby.

Also: Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

SPAULDING, Chairman.

The above reported bills ordered on file for second reading.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 858—An Act to repeal an Act entitled "An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County," approved March 18, 1905, have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Have had under consideration Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Also: Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

And respectfully report the same back with amendments, and recommend that the same do pass as amended.

LYNCH, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FINNEY, Chairman.

WITHDRAWAL OF BILL.

Mr. Finney asked for and was granted unanimous consent to withdraw Assembly Bill No. 614, it being identical with Senate Bill No. 587, favorably reported upon by Committee on Roads and Highways.

BILL ORDERED ON FILE.

Mr. Finney moved that Senate Bill No. 587 be ordered on file in place of Assembly Bill No. 614, just withdrawn.

Motion carried, and such was the order.

SPECIAL ORDER.

The hour of ten o'clock and thirty minutes A. M. having arrived.

The special order heretofore set for consideration at this hour was taken up, viz:

Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure.

Bill read third time on a previous day.

Mr. Otis moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by adding after line 42, on page 2, printed bill, the following: "The affidavit of prejudice above referred to must be filed either before or at the time of answer or plea."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 6 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Bishop, Boyle, Bush, Butler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Drew, Estudillo, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McMullin, O'Brien, Pierce, Pyle, Root, Smith, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Whitmore, and Wilson—51.

NOES—Messrs. Berry, Birdsall, Campbell, Chandler, Cutten, Davis, Devlin, Eshleman, Lucas, Lynch, McKeon, Otis, Percival, Sackett, Smyth, Snyder, Stetson, Strobridge, Weske, Wessling, Wyatt, and Mr. Speaker—22.

Title read and approved.

Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337*a*, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running race between horses, mares or geldings, and providing the punishment for the violation thereof.

Bill read third time on a previous day.

RECESS.

During discussion on Assembly Bill No. 74, at twelve o'clock and thirty minutes P. M., the Speaker declared the Assembly at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened. Speaker R. L. Beardslee in the chair.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 253—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations or corporations in this State engaged in the business of loaning money, receiving deposits, banking or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Assembly Bill No. 248—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

Assembly Bill No. 597—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court, and for opinions rendered in cases before said Superior Court.

Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer, and to draw and pay warrants for the disbursement thereof.

Assembly Bill No. 220—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

Assembly Bill No. 430—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Assembly Bill No. 477—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.

Assembly Bill No. 480—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

And were presented to the Governor February 19, at eleven o'clock and thirty minutes A. M.

HANS, Chairman.

SPECIAL ORDERS—(RESUMED).

The Assembly proceeded with the consideration of Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337*a*, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running race between horses, mares or geldings, and providing the punishment for the violation thereof—under discussion when recess was declared.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 74 passed by the following vote:

AYES—Messrs. Beckett, Bell, Birdsall, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Leeds, Lemon, Lucas, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Whitmore, and Mr. Speaker—44.

NOES—Messrs. Barry, Baxter, Beban, Berry, Bishop, Boyle, Coghlan, Cullen, Fisher, Fratessa, Hartmann, Johnson of San Diego, Jury, Kelly, Kohlman, Ludington, Lynch, McClellan, O'Brien, Root, Smyth, Snyder, Strohl, Thompson of San Francisco, Toomey, Vogel, Walsh, Wessling, Wilson, and Wyatt—30.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Beckett gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 74 was this day passed.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 1.

A resolution to propose to the people of the State of California an amendment to Section 1 of Article II of the Constitution, in relation to the rights of suffrage.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the seventh day of January, anno domini one thousand nine hundred and seven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section one of article two of the Constitution of the State of California be amended as follows:

SECTION 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he or she claims to vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language, and write his or her name, shall ever exercise the privilege of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requirements, nor to any person who now has a right to vote, nor to any person who shall be sixty years of age and upward at the time this amendment shall take effect.

The question being on the adoption of the constitutional amendment.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Johnson of Sacramento moved a call of the House.

Motion carried.

Time, three o'clock and twenty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker--74.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and twenty-eight minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Wyatt.

The roll of absentees was called.

Whereupon the Speaker announced that Assembly Constitutional Amendment No. 1 was refused adoption by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bush, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Hammon, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Walsh, Wessling, and Whitmore—46.

NOES—Messrs Barry, Beban, Bell, Bishop, Boyle, Campbell, Chandler, Cullen, Finney, Fratessa, Hartmann, John, Johnson of Sacramento, Kelly, Kohlman, Lucas, Lynch, O'Brien, Snyder, Stanton, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wilson, Wyatt, and Mr. Speaker—29.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 1 was this day refused adoption.

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 398 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—65.

NOES—Mr. Kelly—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 547—An Act for the protection of the men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 547 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bishop, Boyle, Bush, Butler, Campbell, Coghlan, Cornish, Cullen, Davis, Devlin, Drew, Eshleman, Fisher, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Lemon, Ludington, McKeon, McMullin, O'Brien, Percival, Pierce, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—Messrs. Case, Chandler, Cogswell, Costar, Johnson of San Diego, Leeds, McConnell, Pyle, Sackett, Stanton, Strobridge, Thompson of Los Angeles, and Transue—13.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT No. 31.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to the extension of the terms of existence of corporations.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its thirty-seventh session, two thirds of all members elected to the Senate and Assembly voting therefor, proposes to the qualified electors of the State of California the following amendment to Section 7 of Article XII of the Constitution:

Section 7 of Article XII of the Constitution is hereby amended so as to read as follows:

Section 7.. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing or which shall hereafter exist under the laws of this State. The term of existence of any other corporation now or hereafter existing under the laws of this State may be extended, at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension by the vote or written consent of stockholders representing two thirds of its capital stock or of two thirds of the members thereof. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the directors of the corporation, and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of the corporation shall be extended for the period specified in such certificate, and such corporation shall thereafter pay all annual or other fees required by law to be paid by corporations.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 31 adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Cornish, Cullen, Davis, Drew, Eshleman, Fisher, Fratessa, Hartmann, Held, Hewitt, Higgins, Johns, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—Messrs. Costar and Devlin—2.

Constitutional amendment ordered transmitted to the Senate.

RECALLED FROM COMMITTEE.

Mr. Walsh asked for and was granted unanimous consent to withdraw Assembly Constitutional Amendment No. 18, it being identical with Senate Constitutional Amendment No. 31, just adopted.

Motion carried.

It was thereupon ordered that Assembly Constitutional Amendment No. 18 be recalled from Committee on Constitutional Amendments and be returned to its author.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

Also: Passed Senate Bill No. 207—An Act to amend Sections 1025 and 1031 of the Code of Civil Procedure, both relating to costs in civil actions.

Also: Senate Bill No. 642—An Act to amend Section 384c of the Penal Code, relating to the injury of animals by persons hunting.

Also: Senate Bill No. 644—An Act to appropriate $2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and authorize the trustees of said school to construct said retaining walls and fences.

Also: Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigating districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Also: Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Also: Senate Bill No. 540—An Act to regulate the practice of shoeing horses and mules, and other animals, in the State of California, and to require all farriers to pass an examination as to their proficiency on the following subjects: Anatomy of the feet of horses and mules, the making and fitting of shoes to the feet of horses and mules, in preparing the feet of horses and mules for shoes, and putting shoes on horses and mules, in driving nails in the feet of horses and mules, and in doing such other things as will advance the science of shoeing horses and mules to the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.

Also: Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such Commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such Commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Also: Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Also: Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Also: Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Also: Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

Also: Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Also: Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Also: Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.

Also: Senate Bill No. 535—An Act to provide for the erection and equipment of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 662—An Act to provide for the erection and equipment on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity, and making an appropriation therefor.

Also: Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Also: Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751*a*, relating to the effect of judgment in actions to quiet title and determine adverse claims to real property and in actions for specific performance.

Also: Senate Bill No. 339—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated and other private lands.

Also: Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Also: Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

Also: Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of theirindebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Also: Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Also: Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known and numbered 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption of liability is claimed by the defendant on the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance.

Also: Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Also: Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Also: Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet titles against claims of liens arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritance, bequests and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Also: Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.

Also: Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 1617*a*, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 177—An Act to amend an

Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 137 of said Civil Code, relative to expense of actions, alimony, and actions for maintenance and support.

Also, this day adopted Assembly Concurrent Resolution No. 14—Relative to the approving of amendments to the charter of the City of Eureka, Humboldt County.

Also, that the Senate amended and on this day passed, as amended, Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building—and respectfully request that your honorable body concur in said amendments.

Also, amended and on this day passed as amended, Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Also: Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury and judgment of the court in forcible entry or forcible or unlawful detainer cases.

And respectfully request your honorable body to concur in the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Constitutional Amendment No. 14 referred to Committee on Constitutional Amendments.

Senate Bill No. 207 read first time, and referred to Committee on Judiciary.

Senate Bill No. 642 read first time, and referred to Committee on Judiciary.

Senate Bill No. 644 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 465 read first time, and referred to Committee on Irrigation.

Senate Bill No. 397 read first time, and referred to Committee on Judiciary.

Senate Bill No. 540 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 590 read first time, and referred to Committee on Judiciary.

Senate Bill No. 607 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 247 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 554 read first time, and referred to Committee on Judiciary.

Senate Bill No. 560 read first time, and referred to Committee on Election and Election Laws.

Senate Bill No. 550 read first time, and referred to Committee on Judiciary.

Senate Bill No. 736 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 80 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 290 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 535 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 662 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 530 read first time, and referred to Committee on Judiciary.

Senate Bill No. 626 read first time, and referred to Committee on Judiciary.

Senate Bill No. 339 read first time, and referred to Committee on Judiciary.

Senate Bill No. 650 read first time, and referred to Committee on Judiciary.

Senate Bill No. 629 read first time, and referred to Committee on Judiciary.

Senate Bill No. 653 read first time, and referred to Committee on Irrigation.

Senate Bill No. 619 read first time, and referred to Committee on Judiciary.

Senate Bill No. 620 read first time, and referred to Committee on Judiciary.

Senate Bill No. 491 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 564 read first time, and referred to Committee on Judiciary.

Senate Bill No. 597 read first time, and referred to Committee on Judiciary.

Senate Bill No. 612 read first time, and referred to Committee on Corporations.

Senate Bill No. 714 read first time, and referred to Committee on Education.

Assembly Concurrent Resolution No. 14 ordered to enrollment.

Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 83?"

SENATE AMENDMENT.

Amend by striking out of Section 4, line 8, the period after the word "law," and insert in lieu thereof the following: "*provided*, that the purchase price of the site selected shall not exceed fifty thousand dollars, and *provided further*, that in the purchase of a new site and in constructing and equipping said new normal school buildings, the total expenditure shall not exceed in amount the net sum received for the property authorized to be sold by this Act."

The roll was called, and Senate amendment to Assembly Bill No. 83 was concurred in by the following vote:

AYES—Messrs. Barry, Birdsall, Boyle, Bush, Case, Chandler, Cogswell, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Finney, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—52.

NOES—None.

Assembly Bill No. 83 ordered to reëngrossment and enrollment.

Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 30?"

SENATE AMENDMENTS.

Amend Assembly Bill No. 30 by striking out figure (3) and parenthesis in line 10 of printed bill.

Also: By inserting figure 2, before word "This" in last line of the printed bill.

The roll was called, and Senate amendments to Assembly Bill No. 30 were concurred in by the following vote:

AYES—Messrs. Beban, Birdsall, Boyle, Bush, Campbell, Chandler, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Fratessa, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Case, Cogswell, and Otis—3.

Assembly Bill No. 30 ordered to reëngrossment and enrollment.

Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury and judgment of the court in forcible entry or forcible or unlawful detainer cases.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 406?"

SENATE AMENDMENT.

On page 1, line 3, strike out the words "verdict and judgment."

The roll was called, and Senate amendment to Assembly Bill No. 406 was concurred in by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—Mr. Kelly—1.

Assembly Bill No. 406 ordered to reëngrossment and enrollment.

NOTICE OF MOTION TO RECONSIDER.

Mr. Costar gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 6 was this day passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 377—An Act to add a new section to the Political Code, to be known as Section 1195½, relating to constitutional amendments.

Assembly Bill No. 416—An Act to regulate the licensing and powers of detectives and to provide for the regulation of the business of watchman and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof.

Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114*a*, 114*b*, and 114*c*, all relating to the fees of registrars, and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

Assembly Bill No. 568—An Act to amend Section 491 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

Assembly Bill No. 560—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigations.

Assembly Bill No. 456—An Act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, and to repeal Section 1509 thereof, all relating to claims against the estates of decedents.

Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, to repeal Section 1640 thereof, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Also: That the following bill has been correctly reëngrossed, viz:

Assembly Bill No. 474—An Act to amend Sections 2787 and 2789 of the Political Code and to add a new section thereto, to be known as Section 2802, relating to the construction of toll roads.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Assembly Bill No. 474 ordered on file for passage.

SUBSTITUTION AND WITHDRAWAL OF BILL.

Mr. Spaulding asked for and was granted unanimous consent to withdraw Assembly Bill No. 336—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same—it being identical with Senate Bill No. 290, now in this House.

Assembly Bill No. 336 withdrawn and ordered stricken from the file.

On motion, Senate Bill No. 290 was ordered on file in the place of Assembly Bill No. 336, withdrawn.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. O'Brien: Assembly Bill No. 912—An Act to amend Sections 3 and 8 of an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the Board of Trustees of the City of Sacramento," approved March 22, 1886.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Transue: Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchise or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 916—An Act to amend Section 16 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system of licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violation of law and orders of the Commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Mr. Smith: Assembly Bill No. 917—An Act to prohibit corrupt influence of agents, employés, or servants.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 919—An Act to add a new section to the Penal Code, to be numbered Section 556, and relating to the correct weight of agricultural products sold by the bale.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

By Mr. Johnson of Sacramento: Assembly Bill No. 920—An Act to add a new section to the Political Code, to be numbered Section 1361*a*, and to amend Section 1367 of the Political Code in relation to primary elections.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hewitt: Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage, in any action of divorce, during the pendency of the action at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beban: Assembly Bill No. 923—An Act to provide for the payment of attorney fees in justices' courts and other inferior courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hartmann: Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and referred to Committee on Public Printing.

By Mr. Bush: Assembly Bill No. 925—An Act to authorize and empower the Board of Directors of the Veterans' Home of California to purchase, for the State of California and for purposes of said Veterans' Home of California, a certain tract of land in Napa County, State of California, and to appropriate money therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Forbes (by request): Assembly Bill No. 926—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Walsh: Assembly Bill No. 927—An Act to add a new section to the Political Code to be numbered 759, relating to the employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Snyder: Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Weske: Assembly Bill No. 929—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Beardslee: Assembly Bill No. 930—An Act providing for a license tax on automobiles and other vehicles operated by other than muscular force, and directing the manner of collecting the same.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Chandler: Assembly Constitutional Amendment No. 23—Proposed amendment to Article LX of the Constitution, relative to formation of new counties.

Assembly constitutional amendment referred to Committee on Constitutional Amendments.

EVENING RECESS.

At five o'clock and seven minutes P. M., on motion of Mr. Transue, the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M., the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State within which primary elections shall be obligatory and amendatory.

Assembly Bill No. 240—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

Assembly Bill No. 445—An Act to amend Sections 319, 320, 321, 322, 323, 324, 325, and 326 of the Penal Code of the State of California.

Assembly Bill No. 619—An Act to amend an Act entitled, "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4 and 6 of said Act, and by adding thereto a new section, to be numbered 8*a*.

Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges and milestones thereon.

Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities having a population of more than fifteen thousand.

Assembly Bill No. 702—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.

Assembly Bill No. 767—An Act to amend the Penal Code of California, by adding thereto a new section to be numbered 462, relating to burglary with explosives and the punishment thereof.

Assembly Bill No. 636—An Act to amend Section No. 266 of the Political Code of California, relating to mileage of members of the Legislature.

Assembly Bill No. 247—An Act regulating the loan of money, when, as security for such loan, a lien is taken upon household furniture and effects, musical instruments, typewriters and sewing machines, or upon any other personal property.

Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 231, relating to the adoption of children.

Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement, or notice, except such as required by law, without having first obtained the consent in writing of

the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Assembly Bill No. 336—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Assembly Bill No. 642—An Act to provide for the government and management of schools for the discipline, education, reformation and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as the 'Whittier State School,'" approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.

Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, and 1625 thereof, all relating to accounts of executors and administrators and the settlement of such accounts.

Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, and 1668, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Assembly Bill No. 527—An Act entitled "An Act to amend Section 671 of the Civil Code."

Also: That the following bill has been correctly re-reëngrossed, viz:

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Assembly Bill No. 35 was ordered on file for passage.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON LABOR AND CAPITAL.

(Unanimous consent having been obtained for its reception.)

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 865—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Also: Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BUSH, Chairman.

The above reported bills ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

(Unanimous consent having been obtained for its reception.)

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, authorized to visit the following institutions in this State, to wit: the Stockton State Hospital, the Southern California State Hospital, the Agnews State Hospital, the Industrial Home of Mechanical

Trades for the Adult Blind, the Napa State Hospital, the California Home for the Care and Training of Feeble-Minded Children, and the Mendocino State Hospital, have visited the same, and herewith present their bill for mileage as follows:

Held (chairman)	$156 50
Jury	156 50
O'Brien	156 50
Percival	156 50
Bush	156 50
Strobridge	156 50
Lemon	156 50
Spaulding	119 50
Campbell (substitute for Spaulding)	37 00
Weske	156 50
Kelly	156 50
Beban	156 50
	$1,721 50

And ask for the adoption of the following resolution:

Resolved, That the State Controller is hereby directed to draw his warrant in favor of D. L. Held, Chairman of the Committee on State Hospitals and Asylums, for the sum of $1,721.50, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

HELD, Chairman.

Report and resolution referred to Committee on Mileage. Also, submit the following report:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, which was heretofore granted leave of absence to visit certain of the State institutions under their jurisdiction, beg leave to report that on the 30th day of January, 1907, your committee, consisting of Held (chairman), Jury, O'Brien, Percival, Bush, Strobridge, Lemon, Spaulding, Weske, Kelly, and Beban, visited the State Hospital for the Insane at Stockton; that thereafter, and on the 31st day of January and on the 1st day of February, 1907, your committee did visit the Southern California State Hospital at Patton, in the County of San Bernardino, State of California; that on the 2d and 3d days of February, 1907, your committee visited the Agnews State Hospital and the Industrial Home of Mechanical Trades for the Adult Blind of California, and that at all of said places your committee did carefully inquire into the necessity for the appropriations asked of your body. That during the absence of your committee they held in all six meetings for the purpose of considering the bills calling for said appropriations, and now beg to report as follows:

We find that appropriations aggregating $101,500 are asked for the said Stockton State Hospital, included in Assembly Bills Nos. 234, 235, 236, 294, and 295. Your committee has recommended that appropriations aggregating $23,500 be made to said Stockton State Hospital. We find that the heating plant called for by Assembly Bill No. 235 is an absolute necessity in said institution, and without such heating plant there is great danger of fire at said asylum, as the only means now available for that purpose are stoves, which, in an institution of this character, are dangerous It is difficult to make said stoves inaccessible to the inmates, and for that reason there is serious danger of fire. We believe also that as a matter of economy it would be better to have a heating plant installed, as the cost of maintaining the same would be less than is the cost of keeping up the heating stoves.

The plumbing and lavatory facilities throughout the institution under discussion are in a deplorable condition, and require much repairing. In this connection we recommend that a sufficient appropriation be made to cover the cost of repairing the plumbing and installing new bathtubs and toilets, and of laying cement flooring and repairing the walls in the bathrooms and lavatories of said institution. To cover this recommendation, we have recommended that Assembly Bill No 295 do pass.

We note also the fact that it is necessary to erect upon the farm belonging to the said hospital a dairy barn, there being at this time an utter lack of facilities in this regard. The sum of $2,500 has been asked for for this purpose, and we recommend that the sum of $2,500 be appropriated as asked for by Assembly Bill No. 294.

We commend very highly the intelligent work performed by the officers of this institution and the neatness apparent in every department thereof.

We believe that judicious use has been made of the appropriations granted to this institution at the last session of the Legislature.

We find that the Stockton State Hospital is situated in the midst of a rapidly growing community, and that it has become necessary that there be something done toward laying walks around the said institution, for which purpose an appropriation of $5,000 has been asked by said institution by Assembly Bill No. 296. In view of the present condition of affairs in said city, we believe that this appropriation should be made; and therefore recommend that said bill do pass We find that the bill, however, should be amended, because not only are cement walks necessary on California Street, but also on Park Street, in said city, and likewise at certain places on the asylum premises. We

believe that all these walks can be laid for the original amount asked for. On Park Street 16,000 feet of walks are necessary, on California Street 21,000 feet, and about 5,000 feet inside the grounds, which at the rate of twelve cents per foot, will be about covered by the appropriation asked for.

Bills asking for appropriations aggregating $91,000 have been introduced for the Southern California State Hospital, and of this amount we have recommended that Assembly Bill No. 62 asking for $16,000 be passed, which amount is required for replacing the present wood and tin roofs on the older main buildings at said hospital with modern slate roofing material. We find the needs of this institution in this regard to be urgent, not only to prevent leaking and damage to ceilings caused thereby, but also to permit of certain alterations to be made in the roofs which have caused serious damage to the structure itself, by reason of timbers resting upon the fire walls, when it is necessary that they rest upon the floor of the garret. Serious damage has been caused by this defect in the construction of the building and it is only by temporary methods that more damage is prevented. We find that some of the walls have been cracked by the forcing outward of the walls caused by the timbers resting upon the fire walls.

It is evident that the superintendent of this institution is desirous of making the same a model plant, and to that end has been instrumental in having introduced certain measures calling for appropriations which we feel, under the present condition of our State treasury, cannot be justified at this time. Assembly Bill No. 65 calls for an appropriation of $12,000 for the purpose of erecting a dairy barn fully equipped with modern appliances. Upon the ground of this institution there is at this time a dairy barn which, while not fully up to modern standards, we believe is still sufficient to answer the needs of the asylum for some time to come, and we have therefore recommended that Assembly Bill No. 65 do not pass.

The soil surrounding this institution is of a peculiar character, and is peculiarly affected by heavy rains which frequently occur in that vicinity. Not only is the soil washed away and great ditches and ravines created, but there is danger that unless something is done, the foundation of the buildings will be seriously affected. We believe that a great deal of work along these lines is necessary, and that the sum called for by Assembly Bill No. 64 will not sufficiently cover the cost of all the storm ditches that will be required, but we do believe that that sum will be sufficient to meet the present needs along the lines suggested, and, for that reason, we have recommended that Assembly Bill No. 64 do pass.

It is also sought at this institution to have an appropriation of $5,000 for the erection of a horse barn, carriage house, and implement shed. This is covered by Assembly Bill No. 63, which we have recommended do not pass, for the reason that we see no need at this time of constructing the buildings called for by that bill, except for an implement shed. We find that the farming implements need housing, but in our opinion this can be provided for out of the contingent fund of the institution.

In connection with this institution we find that five buildings need re-roofing.

With reference to Agnews institution, we can say little except that which is already within the knowledge of every member of your body, viz., that practically the entire institution is demolished, and that a large appropriation is necessary to repair or replace the buildings destroyed. We have held several meetings, having for their object the consideration of Assembly Bill No. 336 which authorizes the Board of Managers to replace said institution and makes an appropriation of eight hundred thousand dollars therefor. Much testimony was adduced and the subject gone into at great length, and after full hearing we have come to the conclusion that the sum called for by Assembly Bill No. 336, viz., the sum of eight hundred thousand dollars, is necessary to replace said institution. We are also satisfied that the entire sum cannot be used in the present fiscal year, and we have, therefore, recommended that only the sum of one hundred thousand dollars be made payable during the present fiscal year, and the remainder at intervals thereafter.

With reference to the Industrial Home of Mechanical Trades for the Adult Blind of California, we find that at this institution there are about one hundred inmates, and that there is demand for accommodations for about one hundred more, and for this purpose an appropriation of $50,000 is asked by Assembly Bill No. 160. We believe that this appropriation should be granted in order to accommodate the large number of applicants for admission as stated above, and for that reason we have reported back Assembly Bill No. 160, with the recommendation that it do pass.

In pursuance of leave of absence subsequently granted to this committee, said committee, consisting of all the members thereof, with Dr. P. C. Campbell as substitute for C. C. Spaulding, visited the Napa State Hospital on Friday, February 15, 1907; on Saturday, February 16, 1907, they visited the California Home for the Care and Training of Feeble-Minded Children, and on the 17th day of February, 1907, they visited the Mendocino State Hospital, and with reference to the said institutions, which were visited under a second leave of absence, your committee begs leave to report as follows:

With regard to the Napa State Hospital, we find that three bills calling for appropriations were before this committee, viz., Assembly Bills Nos. 380, 381 and 382. Assembly Bill No. 380 calls for an appropriation of $4,000 for purchasing and installing a practical Home telephone system at said hospital. In our judgment, this is necessary, for the reason that without it the various buildings and departments of the institution are without means of communication with each other, except by messengers. The necessity is apparent when it is understood that there are no means of sending in to the main office an alarm of fire, should it occur at a point distant from the main office. Neither

are there any means whereby attendants on the wards, should they require assistance of any kind, can communicate with the officials. Neither is there any check that can be placed upon the night watchmen to compel them to perform their duty. In the latter connection we would say that it is necessary that the night watchmen make at least hourly reports to the main office indicating that they have made the round of their wards. All of the above named deficiencies can be cured by the installation of the telephone system called for by Assembly Bill No. 380. We have likewise made some inquiry into the probable cost of installing the same, and believe that the amount called for by the bill is reasonably certain to be necessary for that purpose. For the foregoing reasons, we recommend that Assembly Bill No. 380 do pass.

Assembly Bill No. 381 calls for an appropriation of $63,000, $40,000 of which is to be expended in the completion of a dam and storage reservoir which is in course of construction at the said institution, and $23,000 is to be employed for the construction of a concrete receiving tank or house supply reservoir at said institution. The Legislature two years ago granted an appropriation to this institution to purchase certain lands and water rights, and in addition to purchasing the same, there has been begun the construction of the dam out of the said moneys appropriated. We find that the work is well under way, and that the appropriation heretofore made has been carefully and judiciously expended. It is contemplated to build a dam, which, when completed, will be two hundred and thirty-five feet wide at the bottom and four hundred feet wide at the top. A foundation for the reservoir has been constructed, which reaches to bed rock, in some instances fifty feet beneath the surface of the ground. There is no question but that the completion of this dam is necessary in order that the work already performed may not be lost to the State, and aside from this, it is likewise necessary that this appropriation be made to carry out the intention of the Legislature two years ago when the purchase of the water supply was authorized. The question whether the water supply is necessary is one that has been settled at a prior session. We can, however, add, that in our judgment, it is absolutely necessary that the present water supply be augmented from the course contemplated, as without it the institution is woefully lacking in such supply. In order to carry out the scheme suggested, it will be necessary to erect a receiving tank at a point above the institution. A place was designated to your committee where it is contemplated to erect such receiving tank, which, if it is chosen as a site for a receiving tank, will furnish the institution with an unlimited water supply and with excellent pressure for all purposes. The bottom of the receiving tank will be at a point fifty-three feet higher than the highest point of any of the buildings at said institution. For the reasons heretofore stated, we have recommended that Assembly Bill No 381 do pass. We might add further, that we conferred with the party having the construction of this work in charge, and we are assured that the amount called for in the bill is necessary for the purpose stated therein.

Assembly Bill No. 382 calls for an appropriation of $10,000 for the purpose of remodeling and refurnishing the main kitchen of this institution, and said bill provides that two thirds of the appropriation called for shall be expended for the remodeling of the kitchen and the remainder for refurnishing the same. We are of the opinion that the amount called for by said appropriation for the purpose of refurnishing said kitchen should be allowed and a nominal sum for the probable cost of putting into the kitchen the floor which is necessary. At present the floor consists of bricks which have become worn and sunken to a great extent, thereby causing much discomfort to the persons working on said floor and also preventing it from being cleansed as properly as conditions require. For the purposes stated, we believe $5,000 will be a sufficient appropriation, and we have therefore recommended that Assembly Bill No. 382 do pass as amended.

On behalf of the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, four bills have been introduced and referred to this committee, three of which bills call for appropriations in addition to those made at the previous sessions of the Legislature.

Assembly Bill No. 213 calls for an appropriation of seventy-five thousand dollars for the erection and construction of an addition to the present main buildings of the said home. The building that is sought to be constructed, if this appropriation is made, will be similar to the administration buildings at other states.

Your committee, in passing upon the probable amount necessary to meet the requirements of the various improvements sought for at the institutions calling for appropriations, have been met with the difficulty that there was an entire absence of authentic information as to the probable amounts required to make the necessary improvements, and to assist future sessions of this body in determining the amount necessary to make the necessary improvements, your committee recommends that some measure be adopted providing that all bills calling for an appropriation to make improvements or repairs on any public institution should be accompanied by plans and specifications of the proposed improvements, and an estimate by competent authority as to the probable cost thereof. For this purpose your committee has appointed a sub-committee, consisting of Messrs. O'Brien, Percival, and Weske, who will draft and present to this committee, a bill to be considered by the committee, and if found proper, the same will be introduced by this body as a committee measure.

Another matter that has been brought to our attention is the unsatisfactory manner to all concerned in which the State Lunacy Commission is provided for financially. It appears that all the expense of this commission is paid for out of the appropriation for the support of the various institutions. We also find that there is a serious conflict as

to the powers of the State Lunacy Commission and boards of managers of the various State hospitals, respectively. This matter seems to us to work to the detriment and injury of the various State hospitals, and to propose such measures as may remedy the present objections, your committee has appointed a sub-committee, consisting of Messrs. Bush, Percival, and Strobridge, to draft a bill which, if satisfactory to your committee, will be presented to this body as a committee measure.

Appropriations have been called for by the various bills submitted to the committee as stated above, aggregating $1,303,500. Of this amount we have recommended that bills aggregating in appropriations $1,137,500 be passed.

Respectfully submitted.

HELD, Chairman.

BILL RE-REFERRED.

On motion of Mr. Butler, Assembly Bill No. 376—An Act providing for the building of cottages for guards at the State Prison at San Quentin, and appropriating money therefor—was re-referred to the Committee on Ways and Means.

ACTION ON BILL RESCINDED.

Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Mr. Transue moved that the former action of the Assembly in going into Committee of the Whole for consideration of Assembly Bill No. 531 be rescinded and bill be considered still on second reading.

Motion carried.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 531, and proposed amendments thereto, considered.

Mr. Transue moved that the committee do now rise and report the bill back with the favored amendments and recommend the adoption of the amendments and the passage of the bill so amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions—and do now report the same back with amendments, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Thereupon the Chief Clerk read the proposed amendments, as follows:

Amend Assembly Bill No. 531, as follows:

On page 5, line 67 of the printed bill, after the word "indica," strike out the word "phenacetine."

Amendment adopted.

Also: On page 5, line 68 of the printed bill, strike out the words "antipyrine and digitalis."

Amendment adopted.

Also: On page 5, line 69 of the printed bill, strike out the words "nitroglycerine, or any other narcotic or poisonous drugs."

Amendment adopted.

Also: On page 5, line 83 of the printed bill, after the word "indica," strike out the words "phenacetine and antipyrine."

Amendment adopted.

Also: On page 5, line 84 of the printed bill, after the word "acetanialide," strike out the words "digitalis or nitroglycerine or any other."

Amendment adopted.

Also: On page 5, line 85 of the printed bill, strike out the words "narcotic or poisonous drugs."

Amendment adopted.

Also: On page 8, line 2 of Section 10, strike out the word and figures "July, 1907," and insert in lieu thereof the word and figures: "January, 1908."

Amendment adopted.

Also: Amend by striking out the words "thirty," on line 2, eighth page, printed bill, and inserting in lieu thereof the following: "twenty."

Amendment adopted.

Also: By striking out the words "seventeen thousand five hundred," on line 5, page 8, and inserting in lieu thereof: "twelve thousand."

Amendment adopted.

Also: On lines 6 and 7, page 8, strike out the words "twelve thousand and five hundred," and insert in lieu thereof the words: "eight thousand."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

THIRD READING OF BILLS.

Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion, now located at Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 13 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bishop, Boyle, Butler, Campbell, Coghlan, Cornish, Cullen, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—48.

NOES—Messrs. Case and Cogswell—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 628—An Act amending an Act to establish a school of discipline, etc., for juvenile delinquents, to be known as the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 628 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Cornish, Cullen, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lucas, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

During third reading of the bill, Mr. Strobridge moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 3 of the printed bill, strike out the entire line 3, and insert in lieu thereof the following: "1372."

Also: On page 2, lines 37 and 38 of the printed bill, strike out the entire lines 37 and 38.

Also: On page 1 of the printed bill, after the word "states" on line 8, strike out all to and including line 12 of the printed bill to and including the word "hundred."

Also: On page 2, line 32, printed bill, strike out all of line 32.

Also: On page 3, line 71, printed bill, after the word "petition," insert the following: "This chapter and each and every provision thereof shall also be obligatory and mandatory in the thirteenth senatorial district, a political subdivision of the county of Alameda, and for such purpose it is hereby declared that the population of said thirteenth senatorial district, a political subdivision of the said county of Alameda, is twenty-three thousand four hundred and sixteen."

Motion carried.

The Speaker appointed Mr. Strobridge as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 716, with instructions, do now report that the instructions of the Assembly have been carried out.

STROBRIDGE, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State within which primary elections shall be obligatory and amendatory.

Bill passed to foot of file.

Assembly Bill No. 551—An Act entitled "An Act to amend Section 737 of the Political Code," relating to salaries of superior judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 551 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Cullen, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lynch, McGuire, McKeon, McMullin, O'Brien, Percival, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, and Mr. Speaker—46.
NOES—Messrs. Lucas, Otis, Strobridge, and Wyatt—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

During third reading of the bill, Mr. Lucas moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out of line 3, Section 1 of printed bill, as amended in Assembly February 13, 1907, the word "March," and insert in lieu thereof the word "April."
Also: In line 115 of Section 1 of printed bill, as amended in Assembly February 13, 1907, after the word "going," insert the word "to."

Motion carried.

The Speaker appointed Mr. Lucas as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 557, with instructions, do now report that the instructions of the Assembly have been carried out.

LUCAS, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 632—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Bill read third time, and restored to file for further consideration.

Assembly Bill No. 634—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

During third reading of the bill, Mr. Stanton moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, line 38 of the printed bill, strike out the word "plastering."
Also: On page 4, line 39 of the printed bill, after the word "work," insert the following: "fourth, for the plastering work."
Also: On page 4, lines 39, 40, and 41 of the printed bill, strike out the words "fourth," "fifth," "sixth," and "seventh," and insert in lieu thereof the following: "fifth," "sixth," "seventh," and "eighth."

Motion carried.

The Speaker appointed Mr. Stanton as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 634, with instructions, do now report that the instructions of the Assembly have been carried out.

STANTON, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 222—An Act to amend Section 10 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to pro-

vide for the government thereof by the State," as amended by an Act approved March 20, 1905, providing for the disposition of pension moneys belonging to deceased members.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 222 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Boyle, Butler, Case, Cogswell, Coghlan, Cornish, Cullen, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 556—An Act to amend the Civil Code by adding thereto a new section, to be numbered 1742, relating to contracts of conditional sale.

Bill passed to foot of file.

Assembly Bill No. 35—An Act to provide against the adulteration of milk and cream, and to fix the standard of purity thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 35 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bishop, Boyle, Case, Cogswell, Coghlan, Cornish, Cullen, Fisher, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—45.

NOES—Messrs. Butler, Campbell, Forbes, McMullin, and Spaulding—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 699 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Cornish, Cullen, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 36—An Act to amend Section 595 of the Political Code, relating to the general duties of an insurance commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 36 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Cullen, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553—An Act to amend Section 2979 of the Political Code, relating to duties of the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 553 refused passage by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Cullen, Fisher, Forbes, Hammon, Hartmann, Hewitt, Higgins, Kohlman, Lucas, Lynch, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Wessling, Wilson, and Mr. Speaker—38.
NOES—Messrs. Cornish, Fratessa, Johnson of Sacramento, Leeds, Percival, Stanton, Weske, and Wyatt—8.

Assembly Bill No. 240—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

Bill read third time, and restored to file for further consideration.

Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the term of existence of corporations.

Bill read third time, and restored to file for further consideration.

Assembly Bill No. 837—An Act to add a new section to the Political Code, to be known as Section 560, relating to the amount of capital stock necessary to be paid up before a corporation may be permitted to act as executor, administrator, guardian, assignee, receiver, depositary or trustee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 837 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Bishop, Boyle, Butler, Cogswell, Cullen, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wyatt, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 426 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Bishop, Boyle, Butler, Cogswell, Cornish, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lucas, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 390 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Bishop, Boyle, Butler, Campbell, Cogswell, Cornish, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 791—An Act to add a new section to the Political Code, to be numbered 1617*a*, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom.

WITHDRAWAL OF ASSEMBLY BILL.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bill No. 791, it being identical with Senate Bill No. 714, now in this House.

Assembly Bill No. 791 withdrawn and ordered stricken from the file, and Senate Bill No. 714, on motion, substituted therefor on file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 648 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Bishop, Boyle, Butler, Campbell, Cogswell, Cornish, Cullen, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 614—An Act to make an appropriation for the location, survey and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

WITHDRAWAL OF BILL.

Mr. Finney asked for and was granted unanimous consent to withdraw Assembly Bill No. 614.

Bill withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS.

Assembly Bill No. 710—An Act to provide for the establishment, maintenance, and control of a sanitarium for the treatment of curable cases of tuberculosis, and making an appropriation therefor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "one thousand," found in line 30, Section 1 of the printed bill, and insert in lieu thereof the words "four hundred."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to superior courts.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 495—An Act to amend Section 340 of the Penal Code of the State of California, relating to pawnbrokers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 629—An Act to amend Section 1578 of the Code of Civil Procedure, relating to mortgages in certain cases.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 524—An Act to add a new section to the Penal Code, to be known as Section 393"a", to provide for the giving of notice of accidents occurring on any railroad in California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the quotation marks around the letter *a*, after the figures "393," in line 2 of the title of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the quotation marks around the letter *a*, after the figures "393," in line 2 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Strike out the quotation marks around the letter *a* in line 4 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Strike out the word "party," in line 21 of Section 1 of the printed bill, and insert in lieu thereof the word "court."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 841—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, constructing, straightening, improvement, and repair of main public highways, providing for the acceptance of donations and for voting, issuing and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

During second reading of bill, the following amendments were submitted by Mr. Transue:

Amend by striking out the title, and inserting in lieu thereof the following:

"An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor."

Amendment adopted.

Also:

Amend by striking out all of Section 1 of the printed bill, and inserting in lieu thereof the following:

"SECTION 1. The Board of Supervisors of any county in the State, upon receiving a petition signed by electors of the county equal in number to at least ten per cent of the vote cast for Governor in said county at the last election, praying that the matter of issuing bonds of the county for highway purposes be submitted to the electors of the county, may appoint a highway commission for such county, who shall perform the duties hereinafter specified."

Amendment adopted.

Also:

Amend by striking out all of Section 2 of the printed bill, and inserting in lieu thereof the following:

"SEC. 2. Said highway commission shall consist of three members, who shall be, and have been for two years, bona fide residents and freeholders of such county, and shall be especially qualified to have charge of the improvements of highways. Said commissioners shall be appointed to serve for the term of four years and until their successors are appointed and qualified, and any vacancy in the commission shall be filled by appointment for the unexpired term; *provided, however*, that when the proposition for the issuance of bonds fails to carry at the election held under Section 7 of this Act, or when all of the highway improvements for which bonds are voted under said Section 7 are completed, or, if there is a surplus in the highway improvement fund after completion thereof, when said surplus has been expended on other highways, the existence

of said highway commission shall cease. Thereafter another commission may be appointed at any time under Section 1 hereof. Each commissioner shall give a bond for the faithful performance of his duties, to be approved by the Board of Supervisors, for such an amount as the board may require."

Amendment adopted.

Also:

Amend by striking out all of Section 3 of the printed bill, and inserting in lieu thereof the following:

"SEC. 3. For the purpose of this Act a main public highway is defined to be a highway connecting different cities and towns in the same or different counties, or connecting any city or town with the public highway system of another county. Provision may be made under this Act for the improvement of any number of such highways jointly, to be paid for with the proceeds of one bond issue."

Amendment adopted.

Also:

Amend by striking out all of Section 4 of the printed bill, and inserting in lieu thereof the following:

"SEC. 4. Immediately upon their appointment said commission shall proceed with all diligence to investigate carefully the main public highways of the county and the condition thereof, and to have made a map showing said main public highways, their connections, and such other information in regard thereto as the commission may deem necessary for carrying out the purposes of this Act; and to ascertain which of said main public highways should be improved by the issuance of bonds, and the kind of improvements to be made thereon, and to estimate the cost of such improvement."

Amendment adopted.

Also:

Amend by striking out all of Section 5 of the printed bill, and inserting in lieu thereof the following:

"SEC. 5. With the consent of the Board of Supervisors they may employ a competent engineer or engineers and other experts, at the cost of the county, to make any necessary surveys and prepare said map, and to assist the commission in determining the best material to be used and the best manner of making such improvements, and the cost thereof. All surveys made for the purpose of determining the location of highways shall be approved by the County Surveyor before the same are adopted by the commission."

Amendment adopted.

Also:

Strike out all of Section 6 of the printed bill after the period (.), in line 10, page 3.

Amendment adopted.

Also:

Amend by striking out of Section 7, lines 1 and 2 of the printed bill, the words: "Within thirty days after receiving such report, it shall be the duty of the Board of Supervisors to call an election," and inserting in lieu thereof the following: "If said report is not approved by the Board of Supervisors, they may refer it back to said commission for further consideration. If the board approve the report, they shall adopt the same and shall without delay call an election."

Amendment adopted.

Also:

Strike out of line 9, Section 7, page 4 of the printed bill, the words "the last," and insert after the word "election," in line 10, same section and page, the word "purposes."

Amendment adopted.

Also:

Insert after the period (.) in line 16, Section 7, page 4, of the printed bill, the following: "Any defect or irregularity in the proceedings prior to the calling of such election shall not affect the validity of the bonds."

Amendment adopted.

Also:

Strike out all of Section 8 of the printed bill from and including the period (.) after the word "act," in line 6, page 4, down to and including the semicolon after the word "authorize," in line 10, the same section, and insert in lieu thereof a semicolon (;).

Amendment adopted.

Also:

Amend by striking out all of Section 9 of the printed bill, and inserting in lieu thereof the following:

SEC. 9. The doing of the work for which said bonds are issued shall be under the supervision and direction of the highway commission; *provided*, that the final acceptance thereof shall be by the Board of Supervisors. As soon as the funds raised by the sale of said bonds are in the treasury, the commission shall proceed to prepare detailed specifications, plans, and profiles for the work to be done, or for such parts of it as they deem it advisable to have done separately, if they have not already done so, and for this purpose they may hire assistance, with the consent of the Board of Supervisors, and they shall present said specifications, plans, and profiles, with their recommendation in regard to the doing of the work and letting of contracts, to the Board of Supervisors, who shall either adopt or reject the same as presented. If the board adopt the same, they shall thereupon advertise for bids for doing said work, or any part thereof which the highway commission recommend should be done separately, in accordance with said plans, profiles, and specifications, by publishing a notice for ten days in a daily newspaper, or two weeks in a weekly newspaper, published at the county seat. Every contract for doing any part of said work shall be let after advertisement as above provided, to the lowest responsible bidder who will give security for the faithful performance of his contract, with sureties satisfactory to the Board of Supervisors, in such an amount as they may fix, which shall be stated in said advertisement; *provided, however*, that the board may authorize the highway commission to make contracts without advertisement for any part of said work, the cost of which does not exceed one thousand dollars; *and provided further*, that the board may reject all bids and may thereupon re-advertise for bids for doing any part or the whole of said work, or in their discretion authorize the highway commission to purchase the necessary materials, purchase or hire tools and appliances, and hire laborers, and to do the work or any part thereof without letting any contract therefor. In such case all contracts for material, tools, or appliances amounting to more than one thousand dollars in value shall be let by the commission to the lowest responsible bidder, after advertisement as above provided. Such commission may, with the consent of the Board of Supervisors, hire all necessary engineers, inspectors, and superintendents to supervise the performance of said contracts or to have charge of the doing of said work without contract.

Amendment adopted.

Also:

Strike out of line 7, Section 10, page 5 of the printed bill, the words "they may use," and insert after the word "donations," in the same line, the words "may be used."

Amendment adopted.

Also:

Strike out of line 10, Section 10, page 6 of the printed bill, the words "shall not expend any," and insert in lieu thereof the word "no," and also insert after the word "issue," in line 11, same section and page, the words "shall be expended."

Amendment adopted.

Also:

Strike out of line 2, Section 11, page 6 of the printed bill, the words "they may," and insert in lieu thereof the following: "The Board of Supervisors may, on their recommendation."

Amendment adopted.

Also:

Strike out of lines 5 and 6, Section 11, page 6 of the printed bill, the following: "or the Board of Supervisors shall, on the recommendation of such commission," and insert in lieu thereof the words "and may."

Amendment adopted.

Also:

Strike out of lines 2 and 3, Section 12, page 6 of the printed bill, the words "by said highway commission."

Amendment adopted.

Also:

Strike out of lines 4 and 5, Section 12, page 6 of the printed bill, the words "said highway commission propose so to improve," and insert in lieu thereof the words "is being so improved."

Amendment adopted.

Also:

Strike out of lines 1 and 2, Section 13, page 6 of the printed bill, the words "by said highway commission."

Amendment adopted.

Also:

Strike out of line 14, Section 15, page 7 of the printed bill, the word "first."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered 2295*a*, and relating to supplying the State Library with State publications for exchange purposes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserves for commercial purposes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 201—An Act to repeal Article II, of Chapter V, of Title XI, of Part III, of the Code of Civil Procedure and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "article," on line 2, Section 1, first page, printed bill, and inserting in lieu thereof the following: "section."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "Sec." on line 8, Section 1, first page, printed bill, and inserting in lieu thereof the following: "Section."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "Sec." at the beginning of lines 10, 11 and 12, Section 1, first page, and of lines 14, 15, 17, 19, 20, 21, and 22, Section 2, second page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting at the end of line 17, Section 1, second page, printed bill, the following: "selected."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "no," on line 120, Section 1, fourth page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "thereby" on line 15, all of line 16, and the words "such property," on line 17, Section 1, first page, printed bill, and inserting in lieu thereof the following: "such homestead has vested in the surviving spouse or that such life estate has terminated."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 669—An Act to repeal Title I of Part II of the Political Code and to substitute therefor a new title, to be known as Title I of Part II of said Code, relating to the chief political divisions of the State.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "northern," on line 64, Section 1, fourth page, printed bill, and inserting in lieu thereof the following: "northerly."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "Act" in each of the following lines, viz: Lines 82, 87, 90, 95 and 98 on fourth page, and on lines 102, 106 and 110, Section 1, fifth page, printed bill, and in lieu of each word "Act" stricken out insert the word "Chapter."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "Court of Appeals," on heading of Chapter VI on twenty-first page, printed bill, and inserting in lieu thereof the following: "Courts of Appeal."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "in" on line 1, Chapter VI, twenty-first page, printed bill, and inserting in lieu thereof the following: "into."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "court of" on line 1, and the word "appeals" on line 2, Chapter VI, twenty-first page, printed bill, and inserting in lieu thereof the following: "Courts of Appeal."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock and to the creation or

increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "when amounts" on line 140, Section 1, fifth page, printed bill, and inserting in lieu thereof the following: "to an amount."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "which" on line 142, Section 1, fifth page, printed bill, and inserting in lieu thereof the following: "but."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trademarks.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Proceedure of the State of California, relating to claims against the estates of deceased persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Bill read second time, and ordered to engrossment.

SECOND READING OF SENATE BILLS.

Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement therefor by said clerks, and creating a library fund in said District Courts of Appeal.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 126—An Act concerning trespassing animals upon private lands and the recovery of damages resulting therefrom.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or ballot machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such election, and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the "period" on line 13, Section 1, second page, printed bill, and inserting in lieu thereof the following: "as a candidate for the same office for which he is voted in the independent or blank column."

Amendment adopted.

Bill read second time, and ordered to print, and on file for third reading.

Senate Bill No. 384—An Act to convert, transfer, and return to the General Fund of the State treasury, all unexpended moneys heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the 'Yosemite Valley and Mariposa Big Tree Grove,'" approved April 15, 1880, and all Acts amendatory thereof or supplementary thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585, and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, approved March 16, 1889.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 5 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, approved March 16, 1889—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

THIRD READING OF BILLS.

Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement or notice, except such as is required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

During third reading of the bill, Mr. Spaulding moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

On line 6, Section 1, page 1 of the printed bill, strike out the word "thereon."

AMENDMENT No. 2.

On line 7, Section 1, page 2 of the printed bill, strike out the words "in writing."

AMENDMENT No. 3.

On line 6, Section 3, page 2 of the printed bill, strike out the word "written."

Motion carried.

The Speaker appointed Mr. Spaulding as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 438, with instructions, do now report that the instructions of the Assembly have been carried out.

SPAULDING, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501*a*, all relating to claims against the estates of decedents.

Bill read third time, and ordered on file for further consideration.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced, by unanimous consent, and referred as indicated:

By Mr. Lemon: Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Bill read first time, and referred to Committee on Ways and Means.

ADJOURNMENT.

At ten o'clock and twenty-nine minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Wednesday, February 20, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 20, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—68.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Beckett, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 74—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances and giving the city justice court jurisdiction and power of all records, registers, dockets, books, papers, causes, actions and proceedings lodged, deposited or pending before the recorders' court—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, without recommendation.

JURY, Chairman.

The above reported bills ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671*a*, relating to the issue of bonds for the support of county high schools.

Also: Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532*a*, determining the meaning of the words "average daily attendance," in relation to the apportionment of the State school fund.

Have had the same under consideration, and respectfully report the same back, with recommendation that they do pass.

Also: Have had under consideration Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools—and respectfully report the same back, without recommendation.

Also: Have had under consideration Assembly Bill No. 304—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1675, relating to the issuance of diplomas to the graduates of the high schools of the State entitling the holders thereof to enter the University of California—and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

SACKETT, Chairman.

The above reported bills ordered on file for second reading.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALSH, Chairman.

Assembly Bill No. 915 ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 771—An Act to add a section to the Code of Civil Procedure, to be known as Section 1034½, relating to costs in civil actions and proceedings—report the same back, with recommendation that it do not pass.

Also: Assembly Bill No. 772—An Act to amend Section 453 of the Code of Civil Procedure, relating to striking out sham and irrelevant answer sand irrelevant and redundant matters inserted in a pleading—report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 773—An Act to add a section to the Code of Civil Procedure, to be known as Section 1033½, relating to costs in civil actions and proceedings—report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 775—An Act to add a new section to the Code of Civil Procedure, to be numbered 431*a*, providing for the imposition of a court fee on the overruling of a demurrer—report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 774—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No 770—An Act to amend Section 987 of the Penal Code—report the same back, without recommendation.

Also: Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271*a*, relating to the subject of escheated estates—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 752—An Act to provide for the licensing of architects and for the regulation of the practice of architecture as a profession—report the same back with two amendments, and recommend that it do pass as amended.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases—report the same back, without recommendation.

Also: Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment—report the same back, with one amendment, and recommend that it do pass as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on their respective files for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

Also: Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Also: Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Also: Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Also: Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 275—An Act to appropriate money to protect the banks of the Eel River from erosion by means of jetty work and riprap along the banks thereof.

Also: Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Also: Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the general fund, and directing the State Treasurer to pay said warrants.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 312—An Act appropriating two hundred and fifty thousand dollars ($250,000) to aid in the construction of an agricultural building to be erected by the regents of the University of California, in Alameda County, on the grounds of the University of California; also providing for the time of payment thereof, and prescribing the duties of

Controller and Treasurer of State in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Ways and Means.

Also: Senate Bill No. 401—An Act providing for the extermination of the Boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

STROBRIDGE, Chairman.

Assembly Bill No. 312 referred to Committee on Ways and Means.
Senate Bill No. 401 ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Also: Assembly Bill No. 836—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CULLEN, Chairman.

The above reported bills referred to Committee on Ways and Means.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations beg leave to report the following temporary rules, and recommend their adoption:

1. *Resolved*, That the special third-reading file of Code Bills be considered as a special order on this Wednesday evening, February 20, 1907, at eight o'clock P. M.

2. *Resolved*, That hereafter debate on any question be limited to ten minutes on each side, except by permission of the House.

LEEDS, Chairman.

The above reported rules were, on motion, adopted.

ON JOINT RULES.

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: A majority of your Committee on Joint Rules have the honor to report that at a joint session of this committee and the Senate committee, the following joint rules were formulated, and your committee now recommend that they be adopted by the House, and they go into effect when adopted by both houses, and therefore recommend the adoption of Senate Concurrent Resolution No. 11, embodying said joint rules.

LEEDS, Chairman.

Report ordered printed in the journal.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or ballot machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it do pass as amended.

Also: Have had under consideration Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Also: Assembly Bill No. 864—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115*a*, requiring the County Clerks and the Registrar of Voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

And respectfully report the same back, and recommend that they do pass.

STETSON, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the Controller of the State be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized and directed to pay the same, for the sum of $904, in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, the same being in payment for Keystone binders, as per resolution of January 15, 1907, and accompanying bill following.

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for each member of the Assembly, the Chief Clerk, and Minute Clerk, and accredited newspaper representatives; also the Governor, Controller, Attorney-General, and Secretary of State, four Keystone binders, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The report and resolution read.

Mr. Transue moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Case, Collister, Cornish, Costar, Cullen, Davis, Finney, Fisher, Forbes, Hammon, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 545—An Act to provide for the acquisition, equipment and use of a railway car for the purpose of distributing live fish and stocking the waters of this State with fish, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CORNISH, Chairman.

Senate Bill No. 545 referred to Committee on Ways and Means.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Also: Senate Bill No. 229—An Act to provide for the location, survey, and construction of the State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Also: Assembly Bill No. 381—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying a pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Also: Assembly Bill No. 458—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

The above reported bills ordered on their respective files for second reading.

MOTION TO RECONSIDER.

Mr. Transue moved that the vote whereby Assembly Bill No. 6—An Act to amend Section 170 of the Code of Civil Procedure—was passed on yesterday be reconsidered.

Mr. Johnson moved that the motion to reconsider the vote be laid upon the table.

Motion lost.

The question being upon the motion to reconsider.

The roll was called and the Assembly refused to reconsider by the following vote:

AYES—Messrs. Campbell, Chandler, Costar, Cutten, Davis, Devlin, Finney, Forbes, Lucas, McConnell, McKeon, Otis, Percival, Smyth, Snyder, Strobridge, Weske, Wessling, and Wyatt—19.

NOES—Messrs. Baxter, Beban, Beckett, Bell, Birdsall, Bishop, Butler, Case, Coghlan, Collister, Cornish, Cullen, Drew, Estudillo, Fisher, Fratessa, Hans, Hartmann, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McGuire, McMullin, Pierce, Pyle, Root, Sackett, Smith, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Whitmore, Wilson, and Mr. Speaker—46.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Senate Concurrent Resolution No. 11—Relative to joint rules of Senate and Assembly—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LEEDS, Chairman.

Senate Concurrent Resolution No. 11 ordered on file for adoption.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Also: Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Also: Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors.

Also: Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection of dead bodies.

Also: Senate Bill No. 602—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 367*b*, to provide against the offense of hazing.

Also: Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Also: Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Also: Senate Bill No. 697—An Act making an appropriation of $4,000 to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theatre property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Also: Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Also: Assembly Bill No. 383—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons.

Also: Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Also: Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Also: Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding Subdivision 19 thereto.

Also: Assembly Bill No 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Also: Amended, and on this day passed as amended, the following:

Assembly Bill No 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds upon the incorporation of municipalities or annexation to municipalities.

Also: Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

Also: Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602½, relating to the tearing down of fences and the opening of gates, bars, and fences, and the hunting upon the lands of another, and the killing, maiming, or wounding of any animal, and the leaving of camp fires burning or unextinguished.

And respectfully request your honorable body to concur in the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day ordered returned to you, as per request, Assembly Bill No 6—An Act to amend Section 170 of the Code of Civil Procedure—inadvertently transmitted to this body.

Also: Senate Constitutional Amendment No. 29—Relating to State indebtedness.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 658 read first time, and referred to Committee on Judiciary.

Senate Bill No. 722 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 77 read first time, and referred to Committee on Judiciary.

Senate Bill No. 556 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 602 read first time, and referred to Committee on Education.

Senate Bill No. 567 read first time, and referred to Committee on Claims.

Senate Bill No. 696 read first time, and referred to Committee on Claims.

Senate Bill No. 697 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 102 read first time, and referred to Committee on Judiciary.

Senate Constitutional Amendment No. 29 ordered on file for adoption.

Assembly Bills Nos. 383, 310, 581, 508, 3, and 493 ordered to enrollment.

Assembly Bill No. 6 restored to its place on file.

CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds upon the incorporation of municipalities or annexations to municipalities.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 408?"

SENATE AMENDMENTS.

On page 1, Section 1, line 3, strike out the word "section."

Also: On page 2, Section 2, lines 2 and 3, strike out the word "all" after the word "repealed," and add a new section to read as follows:

"SEC. 3. This Act shall take effect and be in force from and after its passage."

The roll was called, and Senate amendments to Assembly Bill No. 408 were concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Bush, Case, Cogswell, Coghlan, Costar, Cullen, Davis, Devlin, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, John, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, McConnell, McGuire, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Assembly Bill No. 408 ordered to reëngrossment and enrollment.

Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

The question being, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 134?"

SENATE AMENDMENT.

On page 1, Section 1, line 4, strike out the word "Sec."

The roll was called, and Senate amendment to Assembly Bill No. 134 was concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Case, Chandler, Cogswell, Costar, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.
NOES—None.

Assembly Bill No. 134 ordered to reëngrossment and enrollment.

Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602*a*, relating to the tearing down of fences and the opening of gates, bars and fences and the hunting upon lands of another, and the killing, maiming or wounding of any animal, and the leaving of camp fires burning or unextinguished.

The question being, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 24?"

SENATE AMENDMENTS.

On page 1, title, line 3, strike out the figure "½" and insert in lieu thereof the letter "*a*."

Also: On page 1, Section 1, line 3, strike out the figure "½," and insert in lieu thereof the following: "*a*."

Also: On page 1, Section 1, line 4, strike out the figure "½," and insert in lieu thereof the following: "*a*."

The roll was called, and Senate amendments to Assembly Bill No. 24 were concurred in by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Boyle, Butler, Case, Chandler, Cogswell, Costar, Cutten, Drew, Finney, Forbes, Fratessa, Hammon, Hans Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Leeds, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strobridge, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Assembly Bill No. 24 ordered to reëngrossment and enrollment.

VOTE RECONSIDERED.

Assembly Constitutional Amendment No. 1—Amending Constitution, relative to rights of suffrage.

Mr. Johnson of Sacramento moved that the vote whereby Assembly Constitutional Amendment No. 1 was on yesterday refused adoption be reconsidered.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, and Wilson—55.

NOES—Messrs. Case, Hans, Lucas, Pierce, Pyle, Thompson of San Francisco, Transue, Weske, Wyatt, and Mr. Speaker—10.

The question being on the adoption of Assembly Constitutional Amendment No. 1.

The roll was called, and Assembly Constitutional Amendment No. 1 adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pyle, Root, Sackett, Smith, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, and Whitmore—54.

NOES—Messrs. Bishop, Chandler, Finney, Fisher, Hans, Lucas, Lynch, O'Brien, Snyder, Stanton, Thompson of San Francisco, Transue, Weske, Wilson, Wyatt, and Mr. Speaker—16.

Assembly Constitutional Amendment ordered transmitted to the Senate.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Thompson of Los Angeles: Assembly Bill No. 932—An Act adding a new section to the Penal Code of California, to be numbered Section 1534, establishing the method of determining the average daily attendance of each common school district, of each high school, of each county, of each city and county, and of the State of California, and defining the words "average daily attendance," as used in this Code.

Bill read first time, and referred to Committee on Education.

By Mr. Stetson: Assembly Bill No. 933—An Act to amend Section 1057 of the Code of Civil Procedure, relating to requisites of undertakings mentioned in said Code.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Election Laws: Assembly Bill No. 934—An Act to add a new section to the Political Code to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Bill read first time, and placed on file without reference.

By Mr. Baxter: Assembly Bill No. 935—An Act entitled "An Act to amend Section 737 of the Political Code," relating to salaries of superior judges.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Weske (by request): Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Lemon: Assembly Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 653*e*, relating to tipping.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Lucas: Assembly Bill No. 938—An Act to amend Section 1578 of the Code of Civil Procedure, relating to proceedings to obtain an order for the mortgage of real property by the administrator of any estate or the guardian of any minor or incompetent person.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Coghlan: Assembly Bill No. 939—An Act to amend Chapter I, of Title V, of Part III, of the Political Code, providing for the care of insane, feeble-minded, and other incompetent persons, the management of State hospitals, and establishing a Board of Lunacy Commissioners.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Vogel: Assembly Bill No. 940—An Act to encourage enlistment of Californians in the regular army, navy, and marine corps of the United States, and appropriating the sum of $5,000 therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 941—An Act to amend Section 3898 of the Political Code, to make said section comply with the mandate of Section 14, Article V, of the Constitution of the State of California, in relation to grants and tax deeds.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 942—An Act to provide for the correction of deeds heretofore executed in pursuance of Section 3898 of the Political Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 943—An Act to amend Section 1880 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to persons who cannot testify upon claims against estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 944—An Act to amend Section 290 of the Civil Code, relating to articles of incorporation.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 945—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Collister: Assembly Bill No. 946—An Act empowering the board of supervisors of the several counties of the State of California to direct the payment of all license fees collected under authority of said boards to be paid into and credited to the road fund for the road district in which the business authorized by such license is situated.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Sackett: Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education.

Referred to Committee on Constitutional Amendments.

SPECIAL ORDERS.

The hour of ten o'clock and thirty minutes A. M. having arrived.

The special orders heretofore set for consideration at this hour were taken up, as follows:

Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains.

On motion of Mr. Johnson of Sacramento, Assembly Bill No. 447 was re-referred to Committee on Judiciary.

Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 348?"

SENATE AMENDMENTS.

Amend by inserting a comma after the word "will," in line 4, page 1, printed bill.

Also: Amend by striking out of line 6, page 1, printed bill, the word "proved," and insert in lieu thereof the word "shown."

Also: Amend by striking out of line 7, printed bill, the word "accidentally," and insert in lieu thereof the words "by public calamity."

Also: Amend by striking out of Section 1, lines 8 and 9, printed bill, the following words: "and that the testator died in ignorance of such destruction," and insert in lieu thereof the words "without his knowledge."

Also: Amend by inserting after the words "provisions are," in line 9, printed bill, Section 1, the words: "clearly and."

Also: Amend by striking out the period "." after the word "witnesses," Section 1, line 10, printed bill, and insert in lieu thereof the following ": *provided, however*, that if the testator be committed to any State hospital for the insane in this State and after such commitment his last will and testament be destroyed by public calamity, and the testator is never restored to competency, then after the death of the said testator, his said last will may be probated as though it were in existence at the time of the death of the testator."

The roll was called, and Senate amendments to Assembly Bill No. 348 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—53.

NOES—None.

Assembly Bill No. 348 ordered to reëngrossment and enrollment.

RESOLUTION.

The following resolution was submitted:

By Mr. Held:

SUBSTITUTION OF ATTACHÉ.

Resolved, That the name of W. M. Evans, now on the roll of employés of this Assembly as a stenographer at $5.00 per day, be stricken from the roll, and that the name of L. R. Held be substituted therefor for the same position and at the same per diem heretofore paid to said W. M. Evans.

Resolution read and, on motion, adopted.

SECOND READING OF BILL.

Senate Bill No. 275—An Act to appropriate money to protect the banks of the Eel River from erosion by means of jetty work and riprap along the banks thereof.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 275 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 275—An Act to appropriate money to protect the banks of the Eel River from erosion by means of jetty work and riprap along the banks thereof—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Senate Bill No. 275 ordered on file for third reading.

RE-REFERENCE OF BILL.

On motion of Mr. Stanton, Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing

the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof—was recalled from the Committee on Judiciary, and referred to Committee on Ways and Means.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Kohlman:

WHEREAS, There appeared in last evening's "Bee" (a clipping of which is hereto attached) a letter from our worthy and esteemed colleague, the Hon. A. M. Drew of Fresno, relative to certain unjustified and libelous attacks upon this body; therefore, be it

Resolved, That we do hereby compliment the Hon. A. M. Drew for the able and masterly stand he has taken in the interest of decency and fair play as against the attacks of yellow journals and libelous newspapers; and be it further

Resolved, That we accept such as reflecting the sentiments of this body and a vote of thanks be and is hereby extended the author.

DREW ALTERS HOLY WRIT.

THE ASSEMBLYMAN DECLARES ALL NEWSPAPER MEN ARE LIARS—LIKEWISE ALL NEWSPAPERS CAN BE BRIBED.

To the Editor of the Bee—

SIR: The courtesy of your columns having been extended to me, I have concluded that it is an opportunity to strike a partial balance in the outstanding account between the Legislature and the newspapers. However, I feel that I have not a fair opportunity as I have but one chance while the papers will come back every day.

In the first place I shall not deny but that the press has had some grounds for criticising the Legislature, but I desire to protest against the harsh, unjust and indiscriminate manner in which it has been done.

The patronage question called forth a wholesale denunciation of the legislative body, yet no newspaper had the honesty or temerity to say what you all know to be true, and that is that our political system produced the conditions that placed the Legislature in the position where it was virtually compelled to do what it did in making a large patronage appropriation. Also that the newspapers are largely responsible for the conditions. If there were no patrons demanding patronage there would be no excessive allowance; if there were no newspapers continually blackmailing every candidate from the time he receives the nomination until his election, the candidate would be under no political obligations and would have no demands made upon him for political jobs. In the good old days before there were any villainous, libelous, blackmailing daily papers, the candidates of opposing parties started out and made the campaign together. They ate and drank and slept together, and at the close of the campaign they were as good friends as ever. The people made their choice and everybody was satisfied. The successful candidate was under no political obligation and no one demanded payment at the expense of the candidate or the people.

Now when a man receives the nomination for the Legislature all the papers of the opposing party open fire on him, calling him a horsethief, a liar and other equally opprobrious names common to an ordinary reporter. There are just two ways to head this off; he must either bribe the newspapers to shut up (and they can all be bribed) or he must start out and attempt to prove that the papers are lying. His friends likewise must turn out to help him, and by the time the campaign is over he has a bundle of political liabilities that are enough to bankrupt any man with aspirations. The result is the patronage appropriation (you call it a steal).

Now, who is responsible for the conditions, the newspapers or the legislators?

Then again, the newspapers steal (or appropriate) The People's money for their own aggrandizement and financial benefit, while the poor, persecuted legislator appropriates The People's money for charitable purposes only; he gives it to benefit others—the newspapers take it for themselves.

Then again, the newspapers are such inveterate liars that no one believes them; that which is a well-known fact is taken with a degree of allowance if it appears in newspaper garb, and if it makes a second appearance in that dress, everybody doubts its virtue.

I think a law making newspaper lying a penal offense, punishable by death or life imprisonment, would be of human benefaction. How easy it would be to convict. "Guilty in the first degree" would be the verdict of every jury, and no motion for a new trial would be allowed. With the newspapers all in the penitentiary or dead, what a blessed world this would be to live in; no murder, no robbery, no crime of any sort, no calamities by fire or flood; no Thaw scandals, no heartaches or headaches or backaches, or Peruna or Lydia Pinkham's pink pills for pale people, "no nothing."

"Peace o'er the earth her olive wand would extend,
And white robed innocence from Heaven descend."

What an infernal place the penitentiary would be if the newspapers were all shut up there at once. Just think of it, all together and "none good, no not one."

I wonder if they would ever tire calling each other names as they do on the outside; there would be no one else to apply those terms to and they would just exhaust themselves on one another: "Petit larcenists, plunderers, grafters, looters," etc., etc. There would be no occasion for their distinguishing between the good and the bad—they don't do it now and why should they after they were shut up.

"Oh, would some power the giftie gie us,
To see oursels as ithers see us."

Yours affectionately,

A. M. DREW.

Resolution ordered printed in the Journal and was made a special order for consideration "on call" Thursday, February 21, 1907.

By Mr. Hans:

Resolved, That the name of A. Manning be dropped from the roll of attachés of the Assembly, and that the name of Geo. Petermann be and it is hereby substituted therefor at the same per diem.

Resolution read and, on motion, adopted.

RE-REFERENCE OF BILLS.

On motion of Mr. Stanton, Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco—was recalled from the Committee on Commerce and Navigation and referred to Committee on Public Expenditures.

Also, on motion of Mr. Stanton, Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905—was recalled from the Committee on Judiciary and referred to Committee on Public Expenditures.

Also, on motion of Mr. Davis, Assembly Bill No. 833—An Act to punish combinations in restraint of trade—was recalled from the Committee on Labor and Capital and referred to Committee on Judiciary.

Also, on motion of Mr. Davis, Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles—was recalled from the Committee on Ways and Means and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed, viz:

Assembly Bill No. 867—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6*a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure.

Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure to be numbered 981, relating to costs on appeal to Superior Courts.

Assembly Bill No. 495—An Act to amend Section 340 of the Penal Code of the State of California, relating to pawnbrokers.

Assembly Bill No. 629—An Act to amend Section 1578 of the Code of Civil Procedure, relating to mortgages in certain cases.

Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903.

Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered Section 2295*a*, and relating to supplying the State Library with State publications for exchange purposes.

Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserve for commercial purposes.

Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trademarks.

Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Assembly Bill No. 90—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof.

Also: That the following bills have been correctly reëngrossed, viz:

Assembly Bill No. 180, re-reëngrossed—An Act to amend Section 1371 of the Code of Civil Procedure, relating to letters of administration.

Assembly Bill No. 623—An Act making an appropriation of two hundred and fifty dollars ($250) for the purchase of a certain spring of water near the James Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument

Assembly Bill No. 624—An Act making an appropriation of five hundred dollars ($500) for the purpose of repairing and preserving the James Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument

Assembly Bill No. 844—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similiar corporations and associations, and prescribing penalties for the violation thereof.

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity, also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

The above reported reëngrossed bills were ordered on file for passage.

WITHDRAWAL OF BILL.

Mr. O'Brien asked for and was granted unanimous consent to withdraw Assembly Bill No 641—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library fund.

Bill withdrawn and ordered stricken from the file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read, unanimous consent having been obtained therefor:

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions have visited the State Prisons at San Quentin and Folsom, and the Preston School of Industry at Ione, as per resolution heretofore adopted, and each of the following named persons are entitled to the mileage set opposite his name:

P. J. Boyle, 362 miles	$36 20
John A. Cullen, 362 miles	36 20
Edw. I. Butler, 362 miles	36 20
Geo. F. Snyder, 362 miles	36 20
D. W. Barry, 362 miles	36 20
F. E. Pierce, 362 miles	36 20
H. W. McMullin, 362 miles	36 20
E. S. Birdsall, 362 miles	36 20
E. J. Lynch, 362 miles	36 20
Total	$325 80

And the following resolution is therefore respectfully suggested:

Resolved, That the State Controller be and he is hereby authorized to draw his warrant for the amount of $325.80 in favor of E. J. Lynch, chairman of said committee, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

LYNCH, Chairman.

Report and resolution read and referred to Committee on Mileage.

SECOND READING OF BILLS.

Assembly Bill No. 321—An Act making an appropriation of $3,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Bill passed to foot of file.

Assembly Bill No. 163—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 65—An Act to provide for the erection of an aseptic and sanitary dairy barn, and to purchase and install necessary furnishings and machinery therein, at the Southern California State Hospital, and to make appropriation for the same.

Bill passed to foot of file.

THIRD READING OF BILLS.

Assembly Bill No. 527—An Act entitled "An Act to amend Section 671 of the Civil Code."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 527 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Leeds, Lemon, McConnell, McGuire, McKeon McMullin, Otis, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—54.

NOES—Messrs. Johnson of Sacramento, Strobridge, and Wyatt—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work, and known as children's home-finding societies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 420 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Davis, Drew, Eshleman, Fisher, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 250 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Jury, Leeds, Lemon, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof."

Bill passed to foot of file.

Assembly Bill No. 657—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 657 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Leeds, Lemon, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Sackett, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 387 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Coghlan, Collister, Cullen, Drew, Forbes, Fratessa, Hans. Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McKeon, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Walsh, Wilson, and Mr. Speaker—41.

NOES—Messrs. Case, Cutten, Percival, Strobridge, Whitmore, and Wyatt—6.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Jury asked for and was granted unanimous consent to withdraw Assembly Bill No. 253—An Act to amend Title V, of Part IV, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking, or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 39—An Act to amend Section 1444 of the Code of Civil Procedure, and relating to the appraisement of estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 39 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248—An Act to amend Sections 338, 339, 340, and 341 of the Penal Code and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 248 passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Snyder, Stanton, Strobridge, Thompson of San Francisco, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment or order of court, shall prima facie be deemed made under proceedings duly had.

Bill read third time, and restored to file for further consideration.

Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of California, relating to mileage of members of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 636 passed by the following vote:

AYES—Messrs. Beban, Birdsall, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strobridge, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Messrs. Berry, Bishop, Campbell, and Collister—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and

appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 549 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Forbes, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Strobridge, Transue, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained therefor):

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State from local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Article XIII and repealing Section 10 of Article XI thereof, all relating to revenue and taxation—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same be adopted as amended.

DEVLIN, Chairman.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 9.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State from local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Article XIII and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to ultimately separate the sources of revenue for State purposes from the sources of revenue for county and municipal purposes; now, therefore,

The Legislature of the State of California, at its regular session, commencing the seventh day of January, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First. Article XIII is hereby amended so as to read as follows:

SECTION 1. All property in the State except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys,

credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

The following classes of property shall be exempt from taxation:

(*a*) Property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State.

(*b*) All buildings, and so much of the real property on which they are situated, as may be required for the convenient use and occupation of such buildings, when the same are used solely and exclusively for religious worship; but no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

(*c*) All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said State.

(*d*) Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form.

Nothing herein shall be construed as amending or in any way altering Sections 9, 10, 11, 12, and 13 of Article IX.

SEC. 2. Lands, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

SEC. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

SEC. 4. A mortgage, deed of trust, contract or other obligation by which a debt is secured, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi-public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

SEC. 5. (Repealed in 1906.)

SEC. 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

SEC. 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

SEC. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the county assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian on the first Monday of March.

SEC. 9. A State Board of Equalization, consisting of four members, shall be elected by the qualified electors of the State at large at the general election to be held in the year one thousand nine hundred and ten, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation, and it shall perform such other duties in relation to taxation as this Constitution or the Legislature may prescribe. The Controller of State shall be ex officio a member of the board. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purposes of taxation; *provided*, such State and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe as to county assessments, and under such rules of notice as the State board may prescribe as to the action of the State board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no board of equalization shall raise any mortgage, deed or trust, contract or other obligation by which a debt is secured, money, or solvent credit, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify.

SEC. 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law.

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

SEC. 12. The Legislature shall provide for the levy and collection of an annual poll tax, of not less than two dollars, on every male inhabitant of this State over twenty-one years and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State school fund.

SEC. 13. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning or other car companies operating upon railroads in this State; every company doing express business on any railroad, steamboat, vessel or stage line in this State, telegraph companies, telephone companies, companies engaged in the transmission or sale of gas or electricity, insurance companies, banks, banking associations, savings and loan societies, and trust companies and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed, and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations. All property, not exempt from taxation, except those classes of property enumerated in this section, shall be subject to assessment and taxation, in the manner provided by law, for county, city and county, city, town, township, and district purposes.

(*a*) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies operating upon the railroads in this State, all express companies, all telegraph and telephone companies, all companies engaged in the transmission or sale of gas or electricity, shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property used in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property above enumerated of such companies; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by the municipal authorities of this State.

The percentages above mentioned shall be as follows: on all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies, four per cent; on all express companies, three per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission and sale of gas or electricity, four per cent.

(*b*) Every insurance company or association doing business in this State shall annually pay to the State a tax of two per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State. This tax shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property of such companies, except taxes on real estate; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations, or prohibitions, are imposed on insurance companies of this State, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other state or country doing business in this State.

(*c*) The shares of the capital stock of all banks, banking associations, savings and loan societies, and trust companies organized under the laws of this State, or of the United States, or of any other state and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the full cash value thereof. The value of each share shall never be taken to be less than the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. This tax shall be in lieu of all other taxes and licenses, State, county, and municipal, upon such shares of stock and upon the property of such banks, banking associations, savings and loan societies, or

trust companies, except taxes on real estate. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks, banking associations, savings and loan societies, and trust companies shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

All moneyed capital belonging to private banks or bankers of this State, and that employed in this State by any banks or by branches, agencies, or other representatives of any banks, bankers or other trust companies than those provided for in the first paragraph of this subdivision, and any moneyed capital, reserve, surplus, or undivided profits held by any bank, banking association, savings and loan society or trust company located in this State, which has no shares of capital stock, shall be valued and assessed by the State Board of Equalization, in the manner to be prescribed by law, and taxed at the same rate that is levied upon the shares of stock of banks, banking associations, savings and loan societies and trust companies, as provided in the first paragraph of this subdivision.

(*d*) Every corporation incorporated under the laws of this State, excepting the corporations mentioned in the preceding subdivisions of this section, shall pay an annual tax to the State upon its franchise to be a corporation equal to one twentieth of one per cent of its authorized capital stock, and every corporation incorporated elsewhere and doing business in this State, other than the corporations mentioned in the preceding subdivisions of this section, shall pay an annual tax to the State upon its right to do business in this State equal to one twentieth of one per cent of the capital employed in this State

(*e*) All franchises, other than those expressly provided for in this section, shall be assessed by the State Board of Equalization at their actual value, and shall be taxed at the rate of one per centum thereon each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(*f*) All taxes provided for in this section shall be assessed and collected in the manner provided by law, and the Legislature may pass all laws necessary to carry this section into effect. The percentages and amounts fixed in this section shall be and remain in force for six years from the adoption of this section, and thereafter may be changed by the Legislature at intervals of not less than six years.

SEC. 14. No suit, action, or proceeding shall ever be maintained in any court against this State, or against any officer thereof, to have any tax levied under the provisions of this article, declared invalid or to prevent or enjoin the collection thereof until such tax has been actually paid; but after such payment, action may be maintained to recover any taxes illegally collected in such manner and within such time as may now or hereafter be provided by law.

SEC. 15. In the event that any of the provisions of this article, providing for the assessment by or payment to the State of taxes upon any class of corporations or property, or providing for new methods of taxation not in force prior to the adoption of this article, shall become inoperative by virtue of having been held by a court of competent jurisdiction to be in conflict with the laws of the United States, or for any other reason to be illegal or impossible of enforcement, then the Legislature shall provide for the taxation of such class of corporations or property either for State purposes only, or for State and local purposes, or for local purposes only, at its discretion, and either in such manner as shall then be constitutional, legal and enforceable, or in such manner as would have been so prior to the adoption of this article. Pending such action by the Legislature all laws and constitutional provisions relative to the assessment and taxation of such property, in force prior to the adoption of this article, which may have been repealed or modified by this article, or in conformity thereto, shall be revived and be deemed to be in full force and effect.

SEC. 16. The Legislature shall pass all laws necessary to carry out the provisions of this article.

Second. Section 10 of Article XI of said Constitution is hereby repealed.

Constitutional amendment read.

The following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title to read as follows:

"A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State from local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Sections 1, 9, 10, and 11 of Article XIII, and adding to Article XIII two new sections, to be numbered Sections 14 and 15, and repealing Section 10 of Article XI thereof, all relating to revenue and taxation."

Amendment adopted.

AMENDMENT No. 2.

Strike out the last four lines on page 1, printed bill, and all of pages 2, 3, 4, 5, 6, 7, 8, and 9, and insert in lieu thereof the following:

First. Sections 1, 9, 10, and 11 of Article XIII, are hereby amended so as to read:

SECTION 1. All property in the State, except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property" as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in the year eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand nine hundred and ten, and at each gubernatorial election thereafter, whose term of office shall be for four years. The Controller of the State shall be ex officio a member of the board. Said board shall be the successor of the present State Board of Equalization, whose members shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the election of members of said Board of Equalization. It shall be the duty of said board to assess and levy the taxes provided for in Section 14 of this article, and to perform such other duties in relation to taxation as this Constitution or the Legislature may prescribe. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation. Such county boards of equalization are hereby authorized and empowered, under such rules of notice as they may prescribe, to raise or lower any assessment contained in the assessment roll so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll. But no board of equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credit, above its face value.

SEC. 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law.

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident, or doing business in this State, except those provided for in subdivisions (*a*), (*b*), and (*c*), of Section 14 of this article, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

Second. There is hereby added to Article XIII two new sections, to be numbered 14 and 15, and to read as follows:

SEC. 14. Taxes levied, assessed, and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this State; every company doing express business on any railroad, steamboat, vessel or stage line in this State; telegraph companies, telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies, banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed, and collected in the manner hereinafter provided. The word "companies," as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations. All property, not exempt from taxation, except those classes of property enumerated in this section, shall be subject to assessment and taxation, in the manner provided by law, for county, city and county, city, town, township, and district purposes; *provided*, that until the year 1914, the State shall reimburse San Bernardino, Placer, and Yuba counties for the net loss in county revenues occasioned by the withdrawal of railroad property from county taxation.

(*a*) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit, and other car-loaning and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property used in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State. When such companies are operating partly

within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property above enumerated of such companies; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by the municipal authorities of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent.

(*b*) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property of such companies, except county and municipal taxes on real estate; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other state or country doing business in this State.

(*c*) The shares of the capital stock of all banks, organized under the laws of this State, or of the United States, or of any other state and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with the pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county, and municipal, upon such shares of stock and upon the property of such banks, except taxes on real estate. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits, and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said Board of Equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, including the good will of the business, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property of the banks and bankers mentioned in this paragraph, except taxes on real estate. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies, and trust companies.

(*d*) Every corporation incorporated under the laws of this State, excepting the corporations mentioned in the preceding subdivisions of this section, and excepting all educational, religious, and charitable corporations, and all corporations which are not organized for pecuniary profit, shall pay an annual tax to the State upon its franchise to be a corporation, and every corporation incorporated elsewhere and doing business in this State, other than the corporations mentioned in the preceding subdivisions of this section, shall pay an annual tax to the State upon its right to do business in this State, as follows: When the authorized capital stock of the corporation does not exceed ten thousand dollars ($10,000) the tax shall be ten dollars ($10 00); when the authorized capital stock exceeds ten thousand dollars ($10,000) but does not exceed twenty thousand dollars ($20,000) the tax shall be fifteen dollars ($15.00); when the authorized capital stock exceeds twenty thousand dollars ($20,000) but does not exceed fifty thousand dollars ($50,000) the tax shall be twenty dollars ($20.00); when the authorized capital stock exceeds fifty thousand dollars ($50,000) but does not exceed one hundred thousand dollars ($100,000) the tax shall be twenty-five dollars ($25.00); when the authorized capital stock exceeds one hundred thousand dollars ($100,000) but does not exceed two hundred and fifty thousand dollars ($250,000) the tax shall be fifty dollars ($50.00); when the authorized capital stock exceeds two hundred and fifty thousand dollars ($250,000) but does not exceed five hundred thousand dollars ($500,000) the tax shall be seventy-five dollars ($75.00); when the authorized capital stock exceeds five hundred thousand dollars ($500,000) but does not exceed two million dollars ($2,000,000) the tax shall be one hundred dollars ($100.00); when the authorized capital stock exceeds two million dollars ($2,000,000) but does not exceed five million dollars ($5,000,000) the tax shall be two hundred dollars ($200.00); when the authorized capital stock exceeds five million dollars ($5,000,000) the tax shall be two hundred and fifty dollars ($250.00).

(*e*) All franchises, other than those expressly provided for in this section, shall be assessed by the State Board of Equalization at their actual value, and shall be taxed at the rate of one per centum thereon each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(*f*) All the provisions of this section shall be self-executing, but the Legislature may pass all laws necessary to carry this section into effect. The taxes herein provided for shall be levied and assessed on the first Monday in March of each year, after the adoption of this amendment, and shall become due and payable on the first Monday in June thereafter. The gross earnings and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes, and the value of any property mentioned herein shall be fixed as of the date of said levy. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section, and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature.

SEC. 15. No suit, action, or proceeding shall ever be maintained in any court against this State, or against any officer thereof, to have any tax, levied under the provisions of this article, declared invalid or to prevent or enjoin the collection thereof until such tax has been actually paid; but after such payment, action may be maintained to recover any tax illegally collected in such manner and within such time as may now or hereafter be provided by law.

Third. Section 10 of Article XI of said Constitution is hereby repealed.

Amendment adopted.

Assembly Constitutional Amendment No. 9, as amended, ordered to print and engrossment.

SPECIAL ORDERS.

The hour of two o'clock having arrived.

The special orders heretofore set for consideration at this hour were taken up.

Assembly Bill No. 409—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes, and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 409 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Devlin, Drew, Fisher, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2.

Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

The Legislature of the State of California, at its thirty-seventh session, commencing January 7, 1907, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that Article XX of the Constitution of the State of California be amended by adding thereto a new section, to be known as Section 21, to read as follows:

Section 21. The necessity of encouraging and fostering the observance of one day in seven as a day of rest is hereby recognized as essential to the welfare of the State, and to that end it is hereby provided:

(1) That the keeping open of bars, saloons, race-courses, and coursing-grounds on the first day of the week is prohibited; and the Legislature shall provide penalties for the violation of this provision, and for the proper enforcement of the same.

(2) That the Legislature may provide that stores, workshops, banking-houses, and other places of business, of any class or calling, shall not keep open on the first day of the week, and shall provide penalties for the violation thereof.

(3) That the legislative body of any city, city and county, or county, may provide by ordinance that stores, workshops, banking-houses, and other places of business, of any class or calling, shall not keep open on the first day of the week, and shall provide penalties for the violation thereof; *provided*, that such ordinance may enlarge, but can not restrict or limit, the scope or penalties of any provision enacted by the Legislature on the same subject; *provided, further*, that whenever a petition is presented to the legislative body of any city, city and county, or county, signed by ten per cent of the voters thereof, asking that any ordinance authorized under this subdivision to be passed by such legislative body set forth in said petition, be submitted to the qualified voters of said city, city and county, or county, for their approval or rejection, the said legislative body must submit the same to the voters of said city, city and county, or county, for their approval or rejection at the next general election held therein, or at a special election called by such legislative body for that purpose. At least two weeks' notice shall be given of such election, by publication in some newspaper published in such city, city and county, or county. If approved by a majority vote of the voters voting thereon, the same is thereby adopted and becomes binding as a valid ordinance of said city, city and county, or county, as the case may be, and supersedes any ordinance in conflict therewith, and can only be modified or repealed by a majority vote of the voters of said city, city and county, or county, voting upon the question of the modification or repeal thereof.

(4) *Provided, however*, that any law or ordinance passed or adopted under the second or third subdivision of this section shall not apply to persons who conscientiously believe that the seventh day of the week should be observed as the Sabbath, and who actually refrain from opening their places of business on that day.

Assembly Constitutional Amendment read.

Mr. Weske moved as an amendment, the adoption of the proposed substitute for Assembly Constitutional Amendment No. 2 offered by the Committee on Constitutional Amendments, which reads as follows:

PROPOSED SUBSTITUTE FOR ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2.

Amending Article XX of the Constitution by adding a new section thereto, to be known as Section 21, relating to a day of rest.

The Legislature of the State of California, at its thirty-seventh session, commencing January 7, 1907, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that article twenty of the Constitution of the State of California be amended by adding thereto a new section, to be known as Section 21, to read as follows:

Section 21. The necessity of encouraging and fostering the observance of one day in seven as a day of rest is hereby recognized as essential to the welfare of the State, and to that end it is hereby provided:

It shall be unlawful for any person, firm, or corporation, to require or compel any employé to labor or perform services for more than six consecutive days in any one week, and the Legislature shall provide penalties for the violation of this provision and for the proper enforcement of the same.

Proposed substitute refused adoption.

The question recurring on the adoption of Assembly Constitutional Amendment No. 2.

The roll was called, and Assembly Constitutional Amendment No. 2 refused adoption by the following vote:

AYES—Messrs. Berry, Campbell, Case, Chandler, Cogswell, Costar, Davis, Drew, Finney, Hammon, Johnson of Sacramento, Lemon, McConnell, Pierce, Pyle, Sackett, Smith, Spaulding, Thompson of Los Angeles, and Wessling—20.

NOES—Messrs. Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Coghlan, Collister, Cornish, Cullen, Cutten, Devlin, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kohlman, Lucas, Ludington, Lynch, McClellan, McKeon, McMullin, Otis, Percival, Root, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation, and of providing funds for said purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 138 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Costar, Cutten, Davis, Devlin, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Percival, Pierce, Pyle, Sackett, Snyder, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—49.

NOES—Mr. Baxter—1.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION TO RECONSIDER.

Mr. Beckett moved that the vote whereby Assembly Bill No. 74—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 337*a*, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running race between horses, mares or geldings, and providing the punishment for the violation thereof—was on yesterday passed, be reconsidered.

Motion seconded.

SPECIAL ORDER SET.

Mr. Beckett moved that the further consideration be set as a special order for two o'clock P. M. of Wednesday next.

Mr. Johnson of Sacramento moved to amend the motion by making the time for consideration at two o'clock P. M. of Thursday, February 21, 1907.

Mr. Beckett accepted the amendment, and the original motion as amended carried.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Eshleman arose to a question of personal privilege, and requested, because of his inability to be present when the preceding action was taken, that the vote upon reconsideration of Assembly Bill No. 74 be this day taken.

MOTION RECONSIDERED.

Whereupon, Mr. Johnson of Sacramento moved that the action of the Assembly in continuing the reconsideration of vote on Assembly Bill No. 74 until to-morrow be reconsidered.

Motion carried.

Thereupon, Mr. Beckett renewed his motion to reconsider the vote whereby Assembly Bill No. 74 was on yesterday passed.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Beckett moved a call of the House.

Motion carried.

Time, three o'clock and twenty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—68.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Johnson moved that further proceedings under the call of the House be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and thirty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Beckett.

The roll of absentees was called.

Whereupon the Speaker announced that the motion to reconsider was lost by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Boyle, Bush, Butler, Chandler, Coghlan, Cornish, Cullen, Fisher, Fratessa, Hartmann, Held, Johnson of San Diego, Jury, Kohlman, Lemon, McClellan, McConnell, McMullin, O'Brien, Root, Snyder, Strohl, Thompson of San Francisco, Toomey, Vogel, Wessling, Wilson, and Mr. Speaker—31.

NOES—Messrs. Bell, Berry, Birdsall, Campbell, Case, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Finney, Forbes, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, and Wyatt—38.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, and 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 877—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 804—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "The Governor is hereby permitted to," in line 1, Section 1 of the printed bill, and insert in lieu thereof the following: "Not more than ninety days prior to the meeting of each regular session of the State Legislature, the Governor shall."

Amendment adopted.

AMENDMENT No. 2.

After the word "offices," line 8 of Section 1 of the printed bill, insert the words "and departments."

Amendment adopted.

AMENDMENT No. 3.

Strike out the words "be appointed not less than ninety (90) days next preceding the day set for the convening, and shall," found in lines 1, 2, and 3 of Section 2 of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by adding Section 4, as follows:

SEC. 4. The managers, superintendents, directors, officers, and employés of all the State institutions and offices visited by said committee shall permit said committee or any member thereof, to examine their books, records, and documents, and shall render them all the assistance in their power while said committee, or any member of it, is making the investigation required by this Act."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 804 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 804—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members—and do now report the same back, and recommend that the same do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to reprint and engrossment.

Assembly Bill No. 631—An Act to provide for the compensation of judges pro tempore of the Superior Court.

Bill read second time and ordered to engrossment.

Assembly Bill No. 777—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Bill read second time and ordered to engrossment.

Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 638 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words: "This Act shall take effect July 1, 1907," on line 7, Section 3, first page, printed bill, and inserting in lieu thereof the following:

In calling for bids and awarding the contracts under this Act, said board of managers may, if in their judgment such action would be for the best interests of the State, disregard the provisions of Section 3 of the Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 26, 1876, as amended March 20, 1905, in so far as the section relates to a call for separate bids and to the award of separate contracts for the furnishing of materials and the performance of work thereunder.

SEC. 4. This Act shall take effect July 1, 1907.

Amendment adopted.

Bill read second time.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 798 considered.

Mr. Held moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Bill read second time.

Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Bill read second time.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 850 and 847.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 850 and 847 considered.

Mr. Held moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

And do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered to engrossment.

Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "five thousand," on line 1, Section 1, first page, printed bill, and inserting in lieu thereof the following: "twenty-five hundred."

Amendment adopted.

Bill read second time.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 846 considered.

Mr. Held moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital and making an appropriation therefor—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the word "California," on line 2, Section 1, page 1, printed bill, the following: "and of the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County."

Amendment adopted.

Bill read second time.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 649 considered.

Mr Held moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals and to provide for their compensation—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 584—An Act to confer further powers upon the Board of Railroad Commissioners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 766—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Bill read second time, and ordered to engrossment.

THIRD READING OF BILLS.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act and by adding thereto a new section, to be numbered 8*a*.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 619 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Cornish, Costar, Davis, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read.

Mr. Bell moved that the title to the bill be amended as follows:

By inserting the word "Act" immediately before the word "entitled" in the second line of the title, printed bill.

Amendment adopted.

Title as amended read and approved.

Bill ordered to print and to the Senate.

Assembly Bill No. 767—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 462, relating to burglary with explosives, and the punishment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 767 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their powers and duties; providing for the separation of children from adults when confined in jails and other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act and prescribing the duties of such board, and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 674 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Lemon, Ludington, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751¾, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 713 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Davis, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Lemon, Luding-

ton, McClellan, McConnell, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31—An Act to amend Section 718 of the Civil Code, relating to leases.

Bill read third time.

On motion of Mr. Pierce, Assembly Bill No. 31 was referred to Committee on Judiciary.

Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 486 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Campbell, Chandler, Collister, Costar, Cullen, Cutten, Davis, Devlin, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Lemon, Lucas, Ludington, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stanton, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 428 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Lemon, Lucas, Ludington, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the Marshall monument at Coloma, and for piping the water to the grounds surrounding said monument.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 623 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Lemon, Lucas, Ludington, McClellan, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits of mortgages accompanied by an abstract or certificate of title or policy of title insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 28 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Boyle, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 262—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979*a*, relating to duties of the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 262 finally passed by the following vote:

AYES—Messrs. Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—Mr. Finney—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 430—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State; for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, by adding thereto a new section, to be numbered and known as Section 22½, relating to the annexation of outlying territory to sanitary districts, and the conditions of such annexation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 430 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Boyle, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Lemon,

Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 455—An Act to prohibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products; to establish standards of quality in dairy products and to provide for enforcing its provisions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 455 finally passed by the following vote:

AYES—Messrs Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 118—An Act to amend Section 3051 and Section 3052 of the Civil Code of California, relating to the lien on personal property for services performed thereon, and providing a method of enforcing said lien for the amount secured thereby.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 finally passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Collister, Costar, Cutten, Davis, Finney, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, John, Johnson of San Diego, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 481—An Act to amend Section 1881 of the Code of Civil Procedure, relating to parties prohibited from testifying in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 481 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Collister, Cornish, Costar, Cutten, Davis, Drew, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Jury, Leeds, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—Mr. Wyatt—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 528 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cornish, Costar, Davis, Drew, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of San Diego, Jury, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate course of study in the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 527 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Costar, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Jury, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecution under this Act may be commenced.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 finally passed by the following vote:

AYES—Messrs. Bell, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Costar, Cutten, Davis, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 56—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of more than two thirds of the electors of such municipality.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 56 finally passed by the following vote:

AYES—Messrs. Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Costar, Cutten, Davis, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 81—An Act to amend Section 1 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the creation of "Law Library Fund."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 81 finally passed by the following vote:

AYES—Messrs Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Chandler, Cutten, Davis, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Smith, Snyder, Spaulding, Strobridge, Thompson of Los Angeles, Transue, Wessling, Wilson, Wyatt, and Mr. Speaker—45.

NOES—Mr. Case—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 176—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to clerks of police courts in cities of the first and one half class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 176 finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Boyle, Bush, Case, Chandler, Cornish, Costar, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Weske, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At five o'clock P. M., the Speaker declared a recess until eight o'clock P. M

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

LEAVE OF ABSENCE.

Mr. Stanton asked for and was granted leave of absence for the evening

CONSIDERATION OF CODE BILLS.

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Wyatt moved a call of the House.

Motion carried.

Time, eight o'clock and seven minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Bell, Birdsall, Bush, Campbell, Cullen, Davis, Devlin, Drew, Hewitt, Johnson of San Diego, Ludington, McMullin, Pyle, Root, Sackett, Spaulding, Thompson of Los Angeles, Whitmore, Wyatt, and Mr. Speaker—20.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

The following members were brought before the bar of the House, and, on motion, excused: Messrs. Barry, Baxter, Beban, Beckett, Bishop, Butler, Cutten, Finney, Fratessa, Hartmann, Kelly, Kohlman, Leeds, Lucas, Lynch, McKeon, O'Brien, Percival, Smith, Stetson, Strohl, Strobridge, and Thompson of San Francisco.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and twenty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Wyatt.

The roll of absentees was called.

Whereupon the Speaker announced that Assembly Bill No. 291 was passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Percival, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 178 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, McClellan, McKeon, McMullin, O'Brien,

Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 384 passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 180 passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 181 passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—Mr. Leeds—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 182 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Cutten, Davis, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of will.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 183 passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 184—An Act to repeal Title VIII, of Part III, of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said code, relating to escheated estates.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 184 passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 186 passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 188 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 190 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Bill read third time,

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 191 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman,

Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 193 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 195 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 275—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 275 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Boyle, Bush, Butler, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 189 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 192 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 194 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 198 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Luding-

ton, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smyth, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 199 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads and of other property exempt from execution, belonging to estates of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 200 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 276 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cullen, Cutten, Davis, Drew, Finney, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Vogel, Weske, Whitmore, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 427 passed by the following vote:

AYES—Messrs Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cornish, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, John. Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

LEAVE OF ABSENCE.

Mr. Johnson of Sacramento asked for and was granted leave of absence for the evening.

Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 604 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Boyle, Bush, Butler, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 605 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 606—An Act to repeal Article XIII of Chapter III of the Political Code, relating to State Geologist.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 606 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury,

Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 607—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461 thereof, both relating to the General Fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 607 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Collister, Cornish, Costar, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 608—An Act to add a new section to the Political Code, to be known as Section 4653*a* thereof, relating to donations to the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 608 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 609 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 610 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 611 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 612 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 474 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Ludington, Lynch, McKeon, McMullin, Otis, Percival, Pyle, Root, Sackett,

Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 197 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Bill read third iime.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 272 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of property of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 196 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 288 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 613 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 187 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501*a*, all relating to claims against the estates of decedents.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 202 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly,

Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, to repeal Section 1640 thereof, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 274 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder. Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators, and the settlement of such accounts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 277 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 668 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 273 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 278 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 280 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 282 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 283 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284—An Act to repeal Title XIII, of Part III, of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 284 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman,

Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 289 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 290 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 819 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 818 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trade marks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 817 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 816 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Drew, Fisher, Forbes, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 782 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 758 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 757 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 706 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 705 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Whitmore, Wessling, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 759 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Whitmore, Wilson, Wyatt, and Mr Speaker—48.

NOES—Messrs. John and Wessling—2.

Title read and approved.

Bill ordered transmitted to the Senate.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced and referred as indicated (unanimous consent having been obtained for their reception):

By Mr. Walsh: Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203*a*, relating to liens.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 949—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highways, or to be staked or tied thereon.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 950—An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs and expenses incurred by reasons of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications, and powers; providing for the appointment of a clerk of said bureau, and fixing his qualification; fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Leeds: Assembly Bill No. 954—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Bill read first time, and referred to Committee on Municipal Corporations.

ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., on motion of Mr. Bell, the Speaker declared the Assembly adjourned until ten o'clock and thirty minutes A. M. of Thursday, February 21, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 21, 1907.

At ten o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Hans, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—69.

Quorum present.

LEAVE OF ABSENCE.

On motion, Mr. McGuire was granted leave of absence for this day.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

SPECIAL ORDER.

The time having arrived for the consideration of Senate Concurrent Resolution No. 11, the same was proceeded with.

SENATE CONCURRENT RESOLUTION No. 11.

Resolved by the Senate, the Assembly concurring, That the following be and are hereby adopted as the Joint Rules of the Senate and Assembly of the State of California.

JOINT RULES OF SENATE AND ASSEMBLY.

Joint address to Governor.

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each House.

Bill or resolution in one House, rejected in the other, requires notice.

2. When a bill or resolution which shall have passed one House is rejected by the other, notice thereof shall be given immediately to the House in which the same shall have passed.

Each House to transmit papers.

3. Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

Joint and concurrent resolutions.

4. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both Houses of the Legislature are concurrent resolutions.

Joint resolutions treated as bills.

5. All joint resolutions shall be treated in all respects as bills; except that all joint resolutions shall be read but one time in each House.

Amendments to amended bills must be attached.

6. Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted," and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

Bills read and referred to committee.

7 When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read the first time by the Secretary or Clerk and referred to a standing committee.

Special file.

8. After the 14th day of February, 1907, the Senate and Assembly shall adopt and provide a special file, upon which shall be placed: in the Senate, only Assembly bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either House except by a three-fourths vote of such House.

Bills not to be printed for engrossment unless amended.

9. Unless bills have been amended they shall not be again printed for engrossment, but the Engrossing Clerk shall use a copy of original printed bill in an engrossed bill cover, and report same back immediately after comparing same.

After a bill has been passed by the Senate or Assembly.

10. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate Messages" or "Assembly Messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule; *provided*, that the Senate or Assembly may, at any time, order such bill reported back from any committee by a majority vote.

To concur or refuse to concur in amendments.

11. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

When amendments are concurred in.

12. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the House making the amendments, and the bill shall be ordered to enrollment.

When Senate or Assembly refuses to concur.

13. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The committee on conference shall report to both the Senate and Assembly.

Committee on conference.

14. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

Committee on free conference.

15. If the Committee on Conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a Committee on Free Conference.

A Committee on Free Conference shall consist of six members, to be appointed in the same manner as a Committee on Conference.

The Committee on Free Conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the Commitee on Free Conference shall not be subject to amendment in either House, and in case of non-agreement no further proceedings shall be had.

When conference committee report is in order.

16. The presentation of report of Committee on Conference or Free Conference shall always be in order, except when the journal is being read or a question of order, or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll-call; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Messages must be announced by the Assistant Sergeant-at-Arms.

17. When a message shall be sent from either house it shall be announced at the door by the Assistant Sergeant-at-Arms, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

Secretary, Clerk, etc., to carry messages.

18. Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

Notices to be on paper, under proper signature.

19. Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

Enrolled bills to receive signature of proper officer.

20. After a bill shall have passed both Houses, it shall be duly enrolled and carefully compared by the Enrolling Clerk and Enrolling Committee of the Assembly, or of the Senate, as the bill may be originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated before it shall be presented to the Governor of the State.

Enrolling committee to compare.

21. When bills are enrolled they shall be reëxamined by the Enrolling Committee of the House in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

President and Speaker to sign bills.

22. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

Enrolling committee to present bills to the Governor.

23. After a bill shall have been thus signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk,

as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the House in which the bill originated.

Daily history of bills, etc.

24. There shall be printed daily, by both the Senate and the Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the House up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

Secretary and Clerk to keep register.

25. The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

Secretary and Clerk shall indorse bills.

26. The Secretary of the Senate and Clerk of the Assembly shall indorse on every original bill a statement of any action taken by the Senate and Assembly.

Adjournment sine die.

27. An adjournment sine die shall only be made by concurrent resolution.

Dispensing with joint rules.

28. No joint rule shall be dispensed with except by a vote of two thirds of each House; and if either House shall violate a joint rule a question of order may be raised in the other House and decided in the same manner as in the case ef the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the House in which it originated, without further action. Or, at the option of such House, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

Senate Concurrent Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 11 adopted by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Campbell, Collister, Cornish, Costar, Cutten Davis, Devlin, Forbes, Held, Higgins, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Transue, Whitmore, Wyatt, and Mr. Speaker—41.

NOES—Messrs. Barry, Beckett, Chandler, Cullen, Drew, Eshleman, Johnson of Sacramento, Kelly, Kohlman, Strohl, Thompson of San Francisco, Toomey, Vogel, Weske, Wessling, and Wilson—16.

Concurrent resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

Assembly Bill No. 765 ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CULLEN, Chairman.

Assembly Bill No. 446 referred to the Committee on Ways and Means.

ON MILEAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the following report and resolution:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, authorized to visit the following institutions in this State, to wit: the Stockton State Hospital, the Southern California State Hospital, the Agnews State Hospital, the Industrial Home of Mechanical Trades for the Adult Blind, the Napa State Hospital, the California Home for the Care and Training of Feeble-Minded Children, and the Mendocino State Hospital, have visited the same, and herewith present their bill for mileage, as follows:

Held (chairman)	$156 50
Jury	156 50
O'Brien	156 50
Percival	156 50
Bush	156 50
Strobridge	156 50
Lemon	156 50
Spaulding	119 50
Campbell (substitute for Spaulding)	37 00
Weske	156 50
Kelly	156 50
Beban	156 50
	$1,721 50

And ask for the adoption of the following resolution:

Resolved, That the State Controller is hereby directed to draw his warrant in favor of D. L. Held, Chairman of the Committee on State Hospitals and Asylums, for the sum of $1,721.50, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Assembly.

HELD, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BARRY, Chairman.

The report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Collister, Cornish, Costar, Cullen, Davis, Drew, Eshleman, Finney, Forbes, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Mileage, to whom was referred the following report and resolution:

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February —, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions have visited the State Prisons at San Quentin and Folsom, and the Preston School of Industry at Ione, as per resolution heretofore adopted, and each of the following-named persons are entitled to the mileage set opposite his name:

P. J. Boyle, 362 miles	$36 20
John A. Cullen, 362 miles	36 20
Edw. I. Butler, 362 miles	36 20
Geo. F. Snyder, 362 miles	36 20
D W. Barry, 362 miles	36 20
F. E. Pierce, 362 miles	36 20
H. W. McMullin, 362 miles	36 20
E S Birdsall, 362 miles	36 20
E. J. Lynch, 362 miles	36 20
Total	$325 80

And the following resolution is therefore respectfully suggested:

Resolved, That the State Controller be and he is hereby authorized to draw his warrant for the amount of $325.80 in favor of E. J. Lynch, chairman of said committee, payable

out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

LYNCH, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BARRY, Chairman.

The report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Davis, Drew, Finney, Hammon, Hans, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of $300," approved February 18, 1874, and an Act amendatory thereof, approved March 8, 1895—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 899—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto—report the same back, and recommend that it do pass.

Also: Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof—report the same back, with five amendments, and recommend that it do pass as amended.

Also: Senate Bill No. 174—An Act to amend Section 3414 of the Political Code, relating to actions to determine the right to purchase State lands—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 523—An Act to add a new section to the Civil Code, to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities—report the same back, and recommend that it do pass.

Also: Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon—report the same back, and recommend its passage.

Also: Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding two new subdivisions thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial—report the same back, with one amendment, and recommend that it do pass as amended.

JOHNSON of Sacramento, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 542—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

We agree that this bill shall be reported favorably.

JOHN W. STETSON.
N. A. CORNISH.
GROVE L. JOHNSON.
N. W. THOMPSON.
W. R. LEEDS.
A. M. DREW.
FRANK OTIS.
CLYDE BISHOP.
C. P. CUTTEN.
FRANK DEVLIN.
H. C. LUCAS.
JOHN J. WYATT.
A. E. PERCIVAL.
FRANK J. O'BRIEN.
W. D. L. HELD.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 156—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposition of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

Also: Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 814—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Also: Assembly Bill No. 809—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies, and all other infectious or contagious diseases among sheep.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CAMPBELL, Chairman.

The above reported bills ordered on file for second reading.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 878—An Act to provide for drainage by irrigation districts.

Also: Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled

"An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory, to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BISHOP, Chairman.

The above reported bills ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Also: Senate Bill No. 185—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same

Also: Senate Bill No. 232—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Also: Senate Bill No. 234—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring and repairing the walls in the bathroom and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HELD, Chairman.

Assembly Bill No. 861 and Senate Bill No. 722 ordered on file for second reading.

Senate Bills Nos. 65, 185, 232, 398, and 234 referred to Committee on Ways and Means.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 230—An Act making an appropriation of one thousand dollars ($1,000) to pay the claim of Edward W. Lehner against the State of California.

Also: Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Have had under consideration Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Assembly Bill No. 872—An Act to create a fund, to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasurers of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditures by the counties of the moneys so paid.

And respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WHITMORE, Chairman.

Assembly Bill No. 696 referred to Committee on Ways and Means.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 21—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known as and numbered Section 637*b*, relating to the division of the State of California into fish and game districts.

Also: Assembly Bill No. 23—An Act to amend the Penal Code of the State of California by repealing Section 626*g* of said Penal Code, relating to the hunting, etc., of tree squirrels.

Also: Assembly Bill No. 25—An Act to amend Section 632 of the Penal Code of the State of California, relating to the closed season for trout.

Also: Assembly Bill No. 26—An Act to amend the Penal Code of the State of California by repealing Section 637*a* of said Code, relating to the destruction, etc., of meadow larks, their nests and eggs.

Also: Assembly Bill No. 45—An Act to amend Section 626 of the Penal Code of the State of California, relating to the closed season for quail, duck, etc.

Also: Assembly Bill No. 300—An Act to amend Section 626*a* of the Penal Code of the State of California, relating to game and fish.

Also: Assembly Bill No. 301—An Act to amend Section 637*a* of the Penal Code of California, relating to game and fish.

Also: Assembly Bill No. 386—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Also: Assembly Bill No. 327—An Act to add a new section to the Penal Code, to be known as Section 628½, relating to the taking of shrimps.

Also: Assembly Bill No. 827—An Act to create the office of State Game Warden, and to define his powers and duties, and to provide for the protection of the game by the use of such moneys only as are contributed by those who kill it.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Have had under consideration Assembly Bill No. 203—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making an appropriation therefor—and respectfully report same back, and recommend that it be re-referred to Committee on Ways and Means.

CORNISH, Chairman.

The above reported bills, with the exception of Senate Bill No. 247 and Assembly Bill No. 203, ordered on file for second reading.

Senate Bill No. 247 and Assembly Bill No. 203 referred to Committee on Ways and Means.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 38—An Act to prevent the destruction of young forest trees—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAMMON, Chairman.

Assembly Bill No. 38 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 766—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Assembly Bill No. 584—An Act to confer further powers upon the Board of Railroad Commissioners.

Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients, to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit, Twenty-sixth Street from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Assembly Bill No. 777—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Assembly Bill No. 631—An Act providing compensation for judges pro tempore, appointed under the provisions of Section 8 of Article VI of the Constitution.

Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Assembly Bill No. 877—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 22—Proposing an amendment to Section 17 of Article VI of the Constitution of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Assembly Constitutional Amendments Nos. 11, 12, 14, and 15, all relative to the compensation of members of the Legislature and limiting the expense of employés of the Legislature, and relative to the length of legislative sessions—have had the same under consideration, and respectfully report the same back, with committee substitute, and recommend that the substitute be adopted.

WESKE, Chairman.

The above reported constitutional amendments ordered on file for adoption.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 113—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code two new sections, to be numbered 632½, 632*b*, respectively, all relating to the protection and preservation of fish.

Also: Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Also: Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University

Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Also: Senate Bill No. 707—An Act appropriating $4,500 to pay the claim of J. B. Lauck.

Also: Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to the power of county boards of education.

Also: Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Also: Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the right of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same.

Also: Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

Also: Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

Also: Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities in relation to the State Board of Health.

Also: Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372*a*, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferry boats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Also: Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Also: Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Also: Assembly Bill No. 389—An Act entitled "An Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Also: Assembly Bill No. 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.

Also: Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Also: Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm-channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Also: Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Also: Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts and condemnation of property therefor.

Also: Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Constitutional Amendment No. 34—Relating to lotteries and fictitious sales of corporate stock.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Concurrent Resolution No. 18—Relative to approving charter of City of Long Beach, voted for and ratified at special election held on the 5th day of February, 1907.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to the following:

Assembly Bill No. 135—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to Superior Courts.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended, the following:

Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relative to studies to be taught in the primary and grammar schools.

Also: Assembly Bill No. 505—An Act to amend Section 1582 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

Also: Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

And respectfully request your honorable body to concur in same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 113 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 628 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Senate Bill No. 706 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 707 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 501 read first time, and referred to Committee on Education.

Senate Bill No. 571 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 614 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 506, 319, 119, 125, 223, 126, 389, 564, 62, 64, 544, 538, and 485 ordered to enrollment.

Senate Constitutional Amendment No. 34 ordered to enrollment.

Assembly Concurrent Resolution No. 18 ordered to enrollment.

CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relative to studies to be taught in the primary and grammar schools.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 307?"

SENATE AMENDMENTS.

Strike out "Sec." from line 3, page 1 of printed bill.

Also: In line 6, page 1 of the printed bill, after the word "study," insert a comma followed by the words "with special reference to agriculture."

Also: In line 12, page 1 of the printed bill, strike out the word "funds," after the word "district."

The roll was called, and Senate amendments to Assembly Bill No. 307 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Eshleman, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Smith, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.
NOES—None.

Assembly Bill No. 307 ordered to reëngrossment and enrollment.

Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to the duties of the Superintendent of Public Instruction.

The question being, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 505?"

SENATE AMENDMENTS.

On line 28, page 2 of the printed bill, strike out ($250).
Also: Strike out the brackets on lines 56 and 57.
Also: On line 68 of printed bill, strike out the words "four and eighteen," and insert in lieu thereof the words "five and seventeen."

The roll was called, and Senate amendments to Assembly Bill No. 505 were concurred in by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Boyle, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Assembly Bill No. 505 ordered to reëngrossment and enrollment.

Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

The question being, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 40?"

SENATE AMENDMENTS.

On page 1, Section 1, line 1, insert after the word "capped" the word "equipped."
Also: On page 2, Section 5, line 5, insert the following: after the word "imprisonment" the words "All prosecutions for the violation of any of the provisions of this Act shall be instituted in the justices' court of the county in which such well is situated."
Also: On page 2, Section 5, line 6, insert after the word "fine" "imposed under the provisions of this Act."
Also: On page 2, Section 5, line 5, strike out the word "such" after the word "imprisonment" and insert in lieu thereof the following: "any."

The roll was called, and Senate amendments to Assembly Bill No. 40 were concurred in by the following vote:

AYES—Messrs. Berry, Birdsall, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Assembly Bill No. 40 ordered to reëngrossment and enrollment.

SECOND READING OF BILLS.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission; and by amending Section 9 thereof, relating to the tenure of such commission.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "otherwise," on line 24, Section 1, second page, printed bill, the following: "and."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all the words after the word "California," on line 25, and all of lines 26, 27, and 28, Section 1, second page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "reports," on line 41, Section 1, second page, printed bill, the following: "and."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "or proceedings," on line 41, Section 1, second page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "on the," in line 42, and the words "requisition of said commissioner," on line 43, Section 1, second page, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting the word "or" after the word "report" and striking out the words "or proceedings," on line 47, Section 1, third page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the word "the," on line 49, and the words "sitting of any," on line 50, Section 1, third page, printed bill, and inserting in lieu thereof the following: "every."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the word "such," on line 54, Section 1, third page, printed bill, and inserting in lieu thereof the following: "any," and insert the word "thereof" after the word "committee," in said line.

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out the word "said," on line 55, Section 1, third page, printed bill, and inserting in lieu thereof the following: "any."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the words "and presented," on line 56, Section 1, third page, printed bill.

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out the word "transactions," on line 61, Section 1, third page, printed bill, and inserting in lieu thereof the following: "work," and also strike out the word "legislative" in said line.

Amendment adopted.

AMENDMENT No. 12.

Amend by inserting after the first word on line 62, Section 1, third page, printed bill, the following: "of legislation."

Amendment adopted.

AMENDMENT No. 13.

Amend by striking out the words "also report to said legislature," in line 64, all of lines 65 and 66 and the words "locality or citizens thereof and" and the word "therewith," on line 67, Section 1, third page, printed bill.

Amendment adopted.

AMENDMENT No. 14.

Amend by striking out the words "printed or oral," on line 85, Section 1, fourth page, printed bill.

Amendment adopted.

The following amendments were submitted by Mr. Cutten:

Amend by striking out the figure "3" after word "Section," on line 1, fourth page, printed bill, and inserting in lieu thereof the following: "2."

Amendment adopted.

Also:

Amend by striking out the figure "4" after word "Section," on line 1, fourth page, printed bill, and inserting in lieu thereof the following: "3."

Amendment adopted.

Also:

Amend by striking out the figure "5" after word "Section," on line 1, fourth page, printed bill, and inserting in lieu thereof the following: "4."

Amendment adopted.

Also:

Amend by striking out the word "May," on line 5, Section 3, fourth page, printed bill, and inserting in lieu thereof the following: "October."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Baxter: Assembly Bill No. 955—An Act to amend Section 3680 of the Political Code of the State of California, relating to the sale of land for taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 956—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement,

defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform in addition to his duties as fixed by law the duties of the State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing the Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Estudillo: Assembly Bill No. 957—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of the State of California, 1850–1907, inclusive.

Bill read first time, and referred to Committee on Public Printing.

By Mr. O'Brien: Assembly Bill No. 958—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund.

Bill read first time, and referred to Committee on State Library.

By Mr. Wyatt: Assembly Bill No. 959—An Act to require persons and corporations owning or operating steam railroads to construct stock passes under their tracks when such tracks divide into two or more parts a parcel of land used for stockraising, pasturage, or grazing.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 960—An Act to add a new section to the Civil Code, to be designated and numbered Section 719, relating to leases of land for game purposes.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 961—An Act to repeal Section 2 of an Act entitled "An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions, and photographs of convicts about to be discharged, by the wardens of State prisons," approved March 27, 1897.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Thompson of Los Angeles: Assembly Bill No. 962—An Act to amend Section 172 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 963—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Constitutional Amendments: Assembly Constitutional Amendment No. 25 (Committee Substitute for Assembly Constitutional Amendments Nos. 11, 12, 14, and 15)—A resolution to propose to the people of the State of California the amendments of Sections 2 and 23 of Article IV of the Constitution.

Assembly Constitutional Amendment No. 25 ordered on file.

RE-REFERENCE OF BILLS.

On motion of Mr. Chandler, Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer

of State, his deputy and assistants and the salaries of the deputy and assistants—was recalled from the Senate and referred to Committee on Engrossment and Enrollment.

RESOLUTIONS.

The following resolutions were submitted:

By Mr. Hans:

Resolved, That the name of A. C. Sterrett be and it is hereby dropped from the roll of attachés of the Assembly, and that the name of H. L. Emlay be substituted therefor as Assistant Engrossing Clerk at the same per diem.

Resolution read and, on motion, adopted.

By Mr. Held:

WHEREAS, On January 29, 1907, the Assembly adopted Assembly Constitutional Amendment No. 3; and

WHEREAS, Said Assembly Constitutional Amendment No. 3 was amended in the Senate, and by the Senate adopted on February 7, 1907, as amended; and

WHEREAS, The Assembly on February 11, 1907, did refuse to concur in the said Senate amendment to Assembly Constitutional Amendment No. 3; now, therefore, be it

Resolved, And it is hereby resolved, that the Senate be respectfully requested to recede from said Senate amendment to said Assembly Constitutional Amendment No. 3, and that in case the Senate refuses to recede, three members of a committee on conference be appointed by the Speaker of the Assembly to meet with three members of said committee to be appointed by the President of the Senate, and that said committee on conference report to both the Senate and Assembly.

Resolution read and, on motion, adopted.

MOTION.

Mr. Campbell moved that Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor—be referred to Committee on Public Health and Quarantine.

Motion lost.

THIRD READING OF BILLS.

Assembly Bill No. 642—An Act to provide for the government and management of schools for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.

Bill passed to foot of file.

Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, and 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 875 passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—Messrs. Baxter, Beban, Beckett, Bell, and Boyle—5.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 876 passsed by the following vote:

AYES—Messrs. Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, John, Jury, Kelly, Lemon, Lucas, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 877—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 877 passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Cullen, Cutten, Davis, Drew, Finney, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spauldiug, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

NOES—Messrs. Barry, Beckett, Boyle, Cornish, and Toomey—5.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of two o'clock and thirty minutes P. M. having arrived.

The special order heretofore set for consideration at this hour was taken up, viz:

Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers.

Bill read third time.

On motion of Mr. Stetson, a vote is to be taken at or before four o'clock and thirty minutes P. M. this day, and the intervening time divided equally between the proponents and opponents of the bill, for the discussion of the proposed measure.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 794 passed by the following vote:

AYES—Messrs. Baxter, Bell, Birdsall, Bush, Campbell, Case, Chandler, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Held, Hewitt, Higgins, John, Johnson of Sacramento, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Sackett, Smith, Smyth, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Whitmore, and Mr. Speaker—42.

NOES—Messrs. Barry, Berry, Boyle, Cullen, Finney, Fratessa, Hartmann, Johnson of San Diego, Jury, Kelly, McClellan, Pyle, Root, Snyder, Strohl, Thompson of San Francisco, Toomey, Vogel, Walsh, and Wilson—20.

Title read and approved.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of the following Committee on Conference on Assembly Constitutional Amendment No. 3: Messrs. Held, Johnson of Sacramento, and Stetson.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered (unanimous consent having been obtained for its reception):

By Mr. Sackett:

WHEREAS, The Assembly did on the 25th day of January, 1907, pass Assembly Bill No. 11—An Act entitled "An Act to amend Section 939 of an Act entitled 'An Act to establish a Code of Civil Procedure'"; and,

WHEREAS, The Senate did on the 11th day of February, 1907, pass said bill, with certain amendments; and,

WHEREAS, The Assembly did on the 13th day of February, 1907, concur in all of said Senate amendments except one; and,

WHEREAS, The Assembly is desirous that final action should be had on said bill and said amendment; now, therefore, be it

Resolved, That the Senate be and it is hereby requested to recede from said amendment so refused concurrence by the Assembly, and if the Senate so refuses to recede, the Senate is hereby requested to appoint a committee of three on conference, to meet with a like committee of three on conference, to be appointed by the Assembly.

Resolution read and, on motion, adopted.

LEAVE OF ABSENCE.

On motion, Mr. Whitmore was granted leave of absence for the rest of this day.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 37—An Act recommending to the electors of the State to vote for or against a convention to revise the Constitution of the State of California.

Bill read third time.

The question being on the passage of the bill, and the same requiring a two-thirds vote of all the members-elect.

The roll was called, and Assembly Bill No. 37 refused passage by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Collister, Devlin, Drew, Finney, Fratessa, Hans, Hartmann, Held, Hewett, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wilson, and Mr. Speaker—47.

NOES—Messrs. Snyder and Thompson of San Francisco—2.

NOTICE OF MOTION TO RECONSIDER.

Mr. Snyder gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 37 was this day refused passage.

Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State within which primary elections shall be obligatory and amendatory.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 410 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, and Mr. Speaker—59.

NOES—None.

Title read.

Mr. Lucas moved to amend the title to Assembly Bill No. 410 as follows:

Strike out the last word of the title, to wit, the word "amendatory," and insert in place thereof the word "mandatory."

Amendment adopted.

Title as amended read and approved.

Bill ordered to reëngrossment, and transmitted to the Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 128 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Bush, Chandler, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Finney, Fratessa, Hammon, Hewitt, Higgins, Johnson of Sacramento, Kelly, Kohlman, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Pierce, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Strobridge

Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Wilson, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 129—An Act to repeal Section 491 of the Penal Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 129 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Boyle, Bush, Case, Collister, Cornish, Cullen, Devlin, Finney, Fisher, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Smith, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Wilson, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 130—An Act to add a new section to the Penal Code of California, to be numbered 490*a*, providing therein for the punishment of the larceny of bicycles, jacks, jennies, and dogs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 130 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Boyle, Bush, Case, Coghlan, Collister, Cornish, Cullen, Drew, Fratessa, Finney, Hammon, Hans, Hewitt, Higgins, Johnson of Sacramento, Kelly, Kohlman, Lemon, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Pierce, Root, Smith, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wilson, and Mr. Speaker—41.
NOES—Messrs. Davis, Lynch, and Pyle—3.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Kohlman gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 794 was this day passed.

Senate Bill No. 111—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 111 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Davis, Finney, Fisher, Fratessa, Hammon, Hans, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, McConnell, O'Brien, Otis, Pierce, Pyle, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Wessling, Wilson, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 50 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Snyder, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 431 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Pyle, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wilson, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 165—An Act to amend Sections 3078, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification and reporting of births, marriages, and deaths.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 165 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Collister, Cornish, Cullen, Davis, Devlin, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 228—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Davis, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wilson, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 8—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 8 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Devlin, Drew, Finney, Fisher, Hammon, Hans, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Wessling, Wilson, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Bill read second time.

Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 153 and 223.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 153 and 223 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of said bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Also: Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

And do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Mr. Walsh moved that it be the sense of the Assembly that when it adjourn on Saturday, February 23, 1907, it be at eleven o'clock and fifteen minutes A. M.

The question was put, and such was the expression of the Assembly.

MESSAGE FROM THE GOVERNOR.

On motion of Mr. Transue, the following message from the Governor was taken up and read:

To the Assembly of the State of California.

GENTLEMEN: I have the honor to inform your honorable body that I have approved Assembly Bill No. 173—An Act making an appropriation to pay contingent expenses of Assembly, thirty-seventh session.

Also: Assembly Bill No. 308—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.

Also: Assembly Bill No. 483—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 481—An Act appropriating money to pay the rental, cost of moving, and other necessary expenses incurred and to be incurred by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.

Also: Assembly Bill No. 431—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.

Also: Assembly Bill No. 482—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.

Also: Assembly Bill No. 476—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.

Also: Assembly Bill No. 433—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing of Controller's office for the fifty-eighth fiscal year.

Also: Assembly Bill No. 263—An Act entitled "An Act to amend Section 1669 of the Political Code, relating to the establishment of high schools."

Also: Assembly Bill No. 139—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the Bay of San Diego, or in the entrance thereto.

Also: Assembly Bill No. 412—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

Also: Assembly Bill No. 176—An Act to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses.

Also: Assembly Bill No. 329—An Act to amend Section 1697 of the Political Code, defining the length of school month.

Also: Assembly Bill No. 432—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.

Also: Assembly Bill No. 87—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the

expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.

Also: Assembly Bill No. 335—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in cases before said Superior Court.

J. N. GILLETT,
Governor of the State of California.

Dated February 21, 1907.

RE-REFERENCE OF BILL.

On motion of Mr. Chandler, Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants—was re-referred to Committee on Engrossment and Enrollment for correction.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced and referred as indicated (unanimous consent having been obtained for their reception):

By Mr. Coghlan: Assembly Bill No. 964—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Fratessa: Assembly Bill No. 965—An Act to furnish the office of superintendent of schools of the City and County of San Francisco with the Statutes, Code Amendments, and Indexes to the Laws of the State of California.

Bill read first time, and referred to San Francisco Delegation.

By Mr. Hewitt: Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Walsh (by request of Alameda County Delegation): Assembly Bill No. 967—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Chairman Thompson of Committee on Attachés (unanimous consent having been obtained for its reception):

Resolved, That the name of G. W. Whitehead be substituted for that of R. S. Jones, as an Assistant Committee Clerk, at a per diem of $4, on the roll of attachés of the Assembly, and that the name of R. S. Jones be dropped from the roll.

Resolution read and, on motion, adopted.

THIRD READING OF BILL—(OUT OF ORDER).

Assembly Bill No. 416—An Act to regulate the licensing and powers detectives and to provide for the regulation of the business of watch-

man and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

During the third reading of the bill, Mr. Devlin moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the word "legal," where it appears in line 9 of Section 4, page 2 of printed bill, and insert in lieu thereof the word "illegal."

Motion carried.

The Speaker appointed Mr. Devlin as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 416, with instructions, do now report that the instructions of the Assembly have been carried out.

DEVLIN, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to print and reëngrossment.

RE-REFERENCE OF BILL.

On motion, Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same—was re-referred to Committee on State Hospitals and Asylums.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

Also: Senate Bill No. 607—An Act to amend Section 2521 of the Political Code relating to employés of the State Harbor Commission of the Port of San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

VOGEL, Chairman.

The above reported bills ordered on file for second reading.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 274—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Also: Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 225—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written

application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Also: Assembly Bill No. 226—An Act entitled "An Act to regulate commerce; to define common carriers and their powers and duties; to prohibit common carriers from being interested in certain commodities carried by themselves; to compel common carriers to provide switches and conveniences for the transfer of commodities from one line to another; to compel the convenient exchange and transfer of commodities shipped to be transferred from one line to another; to prohibit the giving of rebates, special rates, drawbacks or other discriminations to shippers and common carriers; to prohibit and prevent discriminations between persons and places; to require the furnishing of facilities for interchange of traffic; to prohibit a greater charge for a short haul than for a long haul of passengers and freight, where the discrimination or preference is to rates within this State; to prohibit the pooling of freight and division of earnings by the common carriers; to compel the filing with the State Board of Railroad Commissioners copies of all contracts or agreements between carriers; to require common carriers to expedite military traffic in time of war or of great public necessity; to require continuous carriage of freight unless a break, stoppage, or interruption is required; to prescribe liabilities and penalties of common carriers for damages, and providing for the recovery of damages, and the methods of obtaining redress in certain cases of violation of this Act; to prescribe penalties for the violation of this Act, including penalties imposed upon the carriers guilty of such violation, and also upon trustees, lessees, agents, or persons acting for or employed by such carriers; to prescribe penalties for the false billing by carriers and officers or agents; also penalties for false billing by shippers and other persons; to provide penalties for inducing common carriers to discriminate unjustly; to provide for the taking of testimony in certain cases and for taking depositions in proceedings before the State Board of Railroad Commissioners, and the methods for taking such depositions; to provide for the regulation and allowance to be made by the State Board of Railroad Commissioners where transportation is had over more than one line of road, and the disposition and apportionment of the proceeds; to provide that proceedings brought under the provisions of this Act shall be expedited in the court and before the State Board of Railroad Commissioners; to provide penalties for false entries of accounts; to provide that carriers shall be liable to lawful holders of bills of lading for loss or damage to property; to provide that certain persons and property may be carried free or at reduced rates; to provide that the remedies herein granted are cumulative and shall not interfere with the other remedies provided by the Constitution of this State or by law."

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

WALSH, Chairman.

The above reported bills ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Also: Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California and to provide for the examination and registration of persons engaged in such pursuit.

Also: Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Also: Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BUSH, Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 201—An Act to repeal Article II, of Chapter V, of Title XI, of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Assembly Bill No. 669—An Act to repeal Title I of Part II of the Political Code, and to substitute therefor a new title, to be known as Title I of Part II of said Code, relating to the chief political divisions of the State.

Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Also: That the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock or other object, which is the property of another, any word or words, device, trademark, advertisement or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Also: That the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 17—Relative to Washington's Birthday exercises.

Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law.

Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1, of Sutter County," approved March 20, 1874.

Assembly Bill No. 528—An Act to provide for the issuance of duplicates of bonds, warrants, and other municipal securities which have become defaced or mutilated.

Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge but no provision is made for the appointment or election of such police judge.

And were presented to the Governor, February 21, at ten o'clock and forty minutes A. M.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

The above reported reëngrossed bills were ordered on file for passage.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered (unanimous consent having been obtained for its reception):

By Mr. Transue:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of J. C. Schaden, President Red Men's Hall Association, for the sum of one thousand dollars ($1,000) out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same; being in payment of the Assembly's portion—one half—of rental for the month of February, 1907, bill for same hereto attached.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

RECESS.

At five o'clock and fifteen minutes P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 522—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a Board of Examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 522 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Collister, Cutten, Davis, Devlin, Drew, Finney, Fratessa, Hammon, Hans, Hartmann, Held, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, McClellan, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER RESET.

On motion of Mr. McMullin, the special order set for consideration this day, viz: Assembly Bill No. 206—An Act compelling railroads doing business in this State as common carriers of passengers and freight to keep, operate, and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to keep, operate, and maintain warehouses for the purpose of receiving and discharging freight, in any municipal corporation, incorporated city, or city and county, or incorporated town traversed by the tracks or road of any railroad; also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act—was reset as a special order for consideration at eleven o'clock A. M. of Friday, February 22, 1907.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

During the third reading of the bill, Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of line 10, and the word "annum," on line 11 of first page of printed bill as amended.

Motion carried.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 89, with instructions, do now report that the instructions of the Assembly have been carried out.

TRANSUE, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley of Tulare Lake and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 107 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Collister, Cutten, Davis, Devlin, Drew, Finney, Fratessa, Hans, Hartmann, Held, Hewitt, John, Jury, Kelly, Leeds, Lemon, Lucas, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Finney asked for and was granted unanimous consent to withdraw Assembly Bill No. 356—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court—it being identical with Senate Bill No. 351 now in this House.

Assembly Bill No. 356 withdrawn, and ordered stricken from the file, and Senate Bill No. 351 substituted therefor on file.

SECOND READING OF SENATE BILL.

Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words, "but this provision shall not apply to any officer who has a deputy regularly employed and paid out of his salary or fees," found in lines 33, 34, and 35 of Section 1 of the printed bill, as amended by the Senate.

Amendment adopted.

AMENDMENT No. 2.

Strike out the capital letter "H," in line 35, of Section 1 of the printed bill, as amended by the Senate, and insert in lieu thereof a small "h."

Amendment adopted.

AMENDMENT NO. 3.

After the letters "p. m." in line 27, of Section 1 of the printed bill, as amended by the Senate, insert as follows: "But this provision shall not apply to any officer who has a deputy regularly employed and paid out of his salary or fees."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 702—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.

Read third time, and passed on file for further consideration.

Assembly Bill No. 247—An Act regulating the loan of money, when as security for such loan a lien is taken upon household furniture and effects, musical instruments, typewriters, and sewing machines, or upon any other personal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 247 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McKeon, McMullin, Otis, Pierce Pyle, Sackett, Smith, Snyder, Spaulding, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

Bill read third time, and passed on file for further consideration.

Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities having a population of more than 15,000.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 150 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Jury, Kelly Leeds, Lucas, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 624—An Act making an appropriation of five hundred dollars ($500) for the purpose of repairing and preserving the James Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 624 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Finney, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Thompson of Los Angeles, Transue, Vogel, Whitmore, Wilson, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 844—An Act to repeal Title XVI of Part IV of Division First of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 844 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county and city and county school tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 799 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, John, Jury, Kelly, Leeds, Lucas, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Sackett, Snyder, Spaulding, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 800 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington,

McClellan, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484—An Act empowering the board of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.

During third reading of the bill, Mr. Lucas moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "and," in line 5, Section 1 of amended bill, insert the following: "permission in writing having first been obtained from the State Board of Fish Commissioners."
Also: After the word "propagation," in line 7, Section 1 of amended bill, add the following: "in such county hatcheries."
Also: Strike out the period after the word "charge," in line 10, Section 1 of amended bill, and add the following: ", and be payable out of the county general fund."

Motion carried.

The Speaker appointed Mr. Lucas as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 484, with instructions, do now report that the instructions of the Assembly have been carried out.

LUCAS, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 591 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Dogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Held, Hewitt, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles and simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114*a*, 114*b*, and 114*c*, all relating to the fees of registrars, and to the use of a part thereof

in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 788 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377—An act to add a new section to the Political Code, to be known as Section 1195½, relating to constitutional amendments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 377 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Held, Hewitt, John, Jury, Kelly, Leeds, Lemon, Lucas, McClellan, McKeon, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 750 passed by the following vote:

AYES—Messrs. Berry, Baxter, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Jury, Kelly, Leeds, Lemon, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 751 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Bishop, Boyle, Bush, Chandler, Cogswell, Collister, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder

Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 709 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lucas, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 659 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Bishop, Boyle, Bush, Cogswell, Collister, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 694 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Ludington, McClellan, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 626 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Bishop, Boyle, Bush, Collister, Cutten, Devlin, Drew, Finney, Fisher, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Leeds, Lemon, Ludington, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 786—An Act to amend the Political Code, by adding thereto a new section to be numbered 419*a*.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 786 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Bishop, Boyle, Bush, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fisher, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Leeds, Lemon, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Vogel, Weske, Wessling, Whitmore, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Devlin asked for and was granted unanimous consent to withdraw Assembly Bill No. 658—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation."

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 867—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6*a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

During third reading of the bill, Mr. Thompson of Los Angeles moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the word "petition," in line 51, page 3 of the printed bill, the following: "that the public records in the office of the county recorder of said county have been lost or destroyed, in whole or in any material part, by flood, fire, or earthquake, and."

Also: Insert after the word "taxes," in line 66, page 3 of the printed bill, the following: "and loss or destruction of said public records, in whole or in any material part, by flood, fire, or earthquake."

Motion carried.

The Speaker appointed Mr. Thompson of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 867, with instructions, do now report that the instructions of the Assembly have been carried out.

THOMPSON of Los Angeles, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 601 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Bishop, Bush, Campbell, Cogswell, Coghlan, Collister, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Lemon, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Smith, Snyder, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 602 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Bishop, Bush, Campbell, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to Superior Courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 695 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Campbell, Chandler, Coghlan, Collister, Cutten, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Whitmore, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495—An Act to amend Section 340 of the Penal Code of the State of California, relating to pawnbrokers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 495 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Estudillo, Hammon, Hans, Held, Hewitt, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 629—An Act to amend Section 1578 of the Code of Civil Procedure, relating to mortgages in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 629 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Butler, Campbell, Chandler, Cogswell, Collister, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 630 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Davis, Devlin, Estudillo, Finney, Hans, Held, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473—An Act to amend Section 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 473 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Butler, Campbell, Chandler, Coghlan, Collister, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kohlman, Leeds, Lemon, Ludington, McClellan, McKeon, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 650 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Campbell, Coghlan, Collister, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McGuire, McKeon, Otis, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 801 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Campbell, Coghlan, Collister, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McKeon, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—42.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 839—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties, and providing when proceedings under this Act shall be admissible in evidence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 839 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Campbell, Chandler, Cogswell, Coghlan, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered 2295*a*, and relating to the supplying of the State Library with State publications for exchange purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 640 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Chandler, Coghlan, Collister, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McConnell, McKeon, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserves for commercial purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 572 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Campbell, Chandler, Coghlan, Collister, Cullen, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 866 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Bush, Campbell, Chandler, Coghlan, Collister, Cullen, Davis, Devlin, Estudillo, Finney, Fisher, Hammon, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 631—An Act to provide for the compensation of judges pro tempore of the Superior Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 631 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Hartmann, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 777—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 777 passed by the following vote:

AYES—Messrs. Barry, Beckett, Bell, Berry, Bishop, Bush, Campbell, Chandler, Coghlan, Cullen, Davis, Devlin, Estudillo, Finney, Hammon, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit: Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 638 passed by the following vote:

AYES—Messrs. Barry, Beckett, Bell, Berry, Bishop, Bush, Campbell, Chandler, Coghlan, Collister, Cullen, Davis, Devlin, Estudillo, Finney, Hammon, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 850 passed by the following vote:

AYES—Messrs. Barry, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington,

Lynch, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 847 passed by the following vote:

AYES—Messrs. Barry, Bell, Berry, Bishop, Bush, Campbell, Coghlan, Collister, Cutten, Davis, Devlin, Estudillo, Finney, Fisher, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 584—An Act to confer further powers upon the Board of Railroad Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 584 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Cogswell, Coghlan, Collister, Cullen, Devlin, Finney, Hammon, Held, Hewitt, Higgins, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, O'Brien, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Whitmore, and Mr. Speaker—44.

NOES—Messrs. Chandler, Cutten, Davis, Estudillo, John, Otis, Strobridge, and Weske—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Devlin gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 584 was this day passed.

SECOND READING OF BILLS.

Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bankbook or statements of his deposit account within a certain time, or be concluded thereby.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting in Section 1, line 8 of printed bill, after the word "requested," the words "in writing."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or rec-

ords of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

During second reading of bill, the following amendments were submitted by Mr. Spaulding:

AMENDMENT No. 1.

Amend by striking out of line 2 of the title of printed bill, the figures "½," and inserting in lieu thereof the following: "a."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, line 2 of printed bill, the figures "½," and inserting in lieu thereof the following: "a."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 1, line 3 of printed bill, the figures "½," and inserting in lieu thereof the following: "a."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of Section 1, lines 6 and 7 of printed bill, the words "or shall hereafter be lost or destroyed."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of Section 1, line 7 of printed bill, the words "as evidence," and inserting in lieu thereof the following: after the word "part," a comma.

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting in Section 1, line 11 of printed bill, after the word "evidence," a comma.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out of Section 1, lines 11 and 12 of printed bill, the words "time of such loss or destruction," and inserting in lieu thereof the following: "passage of this Act."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the term of existence of corporations.

Bill read third time on a previous day.

Mr. Transue moved that the Speaker appoint a select committee of one to amend the bill as follows:

By striking out all after the word "cases," on line 24, Section 1, page 2 of printed bill, and inserting in lieu thereof the following:

"In no event shall such extension be construed to prolong or extend the duration of any franchise or privilege heretofore granted to any corporation or joint stock company by special legislative act, or by the municipal authorities of any county, city, city and county, town, or other political subdivision of this State, beyond the term fixed by the provisions of this Act, ordinance, or resolution conferring such franchise or privilege, or beyond the term fixed by the maximum period of existence of such corporation or joint stock company of laws in force and governing the formation and organization thereof at the time such corporation or joint stock company was formed or organized."

"SECTION 2. This Act shall take effect immediately."

Motion carried.

The Speaker appointed Mr. Transue as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 784, with instructions, do now report that the instructions of the Assembly have been carried out.

TRANSUE, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint and reëngrossment.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

During second reading of bill, the following amendments were submitted by Mr. Otis:

AMENDMENT No. 1.

Strike out lines 1, 2, 3, 4, 5, 6, and 7, Section 3, page 2, printed bill, and insert the following:

SEC. 3. All orders for jute goods filed with the Board of Prison Directors prior to the fifteenth day of May of each year must be accompanied by an affidavit setting forth the name, residence, postoffice address, and occupation of the applicant; that the amount of goods contained in the order are for the applicant's individual and personal use, and that he has not contracted for or agreed to contract for the sale of any portion thereof to any person or persons whatsoever.

Said affidavit to be subscribed and sworn to before a notary public or justice of the peace residing in the township in which the applicant resides.

Amendment adopted.

AMENDMENT No. 2.

Amend Section 6, page 3, printed bill, by striking the word "immediately" from lines 1 and 2.

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "dollars" at the end of line 11, Section 3 of the printed bill, the following: "and not more than one thousand dollars; or shall be imprisoned in the county jail not less than ninety days, nor more than one year."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 865—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 380—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a Home telephone system at the Napa State Hospital, between the various wards and departments thereof, and making an appropriation therefor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 381—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying a pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words in the title "and construction of a concrete receiving tank or house supply reservoir"; also by striking out the word "sixty-three," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "forty."

Also: On line 4 strike out the word "purposes," and insert in lieu thereof the word "purpose," and on lines 9, 10, and 11 strike out the words "and for the construction of

a concrete receiving tank or house supply reservoir at a point to be designated by the board of managers of said hospital"; omit Section 2, and make "Section 3" read "Section 2," and "Section 4" read "Section 3."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 381 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 381—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying a pipe line from said reservoir, and making an appropriation therefor—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchise or privileges granted by the Legislature or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 864—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115*a*, requiring the county clerks and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

At the end of line 23, Section 1 of the printed bill, insert as follows: "*provided, however*, that no more than the sum of five thousand dollars shall be used for such road purposes in any one road district of the county in any one year."

Amendment adopted.

AMENDMENT No. 2.

In line 1, Section 3 of the printed bill, after the figure 3, strike out all of said section and insert in lieu thereof: "All Acts and parts of Acts in conflict herewith are hereby repealed."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 582 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers and streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman

Bill ordered to print and engrossment.

Assembly Bill No. 678—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 679—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 680—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 681—An Act to add a new section to the Political Code of the State of California, to be known as Section 2644*a*, relating to the oath and bond of road overseers.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 682—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the Board of Supervisors.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code, and to add a new section to said code, to be numbered Section 590*a*, relating to the removal, injury, destruction, breaking, or defacing of

mile boards, posts or stones, or guide posts on or near highways, to the punishment thereof, and to the disposition of fines collected therefor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 677—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 71—An Act to amend Sections 801 and 802 of the Penal Code of the State of California, relating to the time of commencing criminal action.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 704—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California, where the same has been destroyed by conflagration or other public calamity.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt of civil actions.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 858—An Act to repeal an Act entitled "An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County," approved March 18, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 304—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1675, relating to the issuance of diplomas to the graduates of the high schools of the State entitling the holders thereof to enter the University of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "Entitling the holders thereof to enter the University of California," on lines 5 and 6 of title, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "Such diploma shall entitle the holder thereof to enter the University of the State of California without examination," on lines 15, 16, and 17, second page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671*a*, relating to the issue of bonds for the support of county high schools.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532*a*, defining the meaning of the words "average daily attendance."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 774—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the word "Section" in line 3 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "Costs on appeal, how claimed and recovered," in line 3 of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 770—An Act to amend Section 987 of the Penal Code.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all after the enacting clause and insert as follows:

SECTION 1. When any proposed bill of exceptions, or statement of the case on motion for new trial, is lost or destroyed by reason of conflagration or other public calamity, and no other record of the proceedings upon the trial thereof can be obtained, and such action or proceeding, subject to review by motion for new trial, pending at the time of such loss or destruction, and it is by the court in which such action or proceeding is pending, deemed impossible or impracticable to restore such proceedings (and to settle a bill of exceptions or statement of the case containing such proceedings), so as to enable the court to review the judgment or order therein by motion for new trial, the court may grant a new trial of such action or proceeding if at the time of such loss or destruction a motion for new trial be pending therein, and such action or proceeding shall thereupon be tried anew. In order to grant a new trial, it shall be unnecessary to have any bill of exceptions or statement of the case settled, but upon the facts above recited being shown to the satisfaction of the court by affidavit or otherwise, the court shall have power in its discretion to grant such new trial.

SEC. 2. Pending the hearing of a motion under the preceding section to grant such new trial, the time within which a bill of exceptions might be prepared, served or presented for settlement, shall be extended, and shall not commence to run until the decision upon such motion. (The motion provided for by this Act must be made within thirty days after the loss or destruction of such records; *provided*, that in any case now pending such motion may be made at any time within sixty days after the passage of this Act.)

SEC. 3. This Act shall take effect immediately.

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "the proceedings upon the trial thereof," in line 3 of the title of the bill, and insert in lieu thereof the following: "bills of exceptions and statements on motion for a new trial."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271*a*, relating to the subject of escheated estates.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 752—An Act to provide for the licensing of architects and for the regulation of the practice of architecture as a profession.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "employés," in line 29, page 8 of the printed bill, insert as follows: "*and provided, further*, that nothing in this Act shall prevent any person from drawing plans and specifications for a building which shall cost less than twenty-five thousand dollars ($25,000) to construct."

Amendment adopted.

AMENDMENT No. 2.

After the word "certificate," on line 42 of page 5 of the printed bill, strike out the words "to that effect," and insert in lieu thereof the words "stating that he is qualified to practice architecture."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

CONSIDERATION OF SENATE BILLS—(RESUMED).

Senate Bill No. 500—An Act to amend Sections 415 and 450 of the Political Code, all relating to the office of the Secretary of State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 500 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Bush, Campbell, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Jury, Kelly, Lemon, Ludington, Lynch, McClellan, McKeon, O'Brien, Pierce, Sackett, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriating money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 456 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Bush, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McKeon, O'Brien, Pierce, Sackett, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 517—An Act providing for an appropriation of six hundred dollars ($600) for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 517 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Bishop, Bush, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Hammon, Hans, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 229—An Act to provide for the location, survey, and construction of the State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Amend title so as to read: "An Act to provide for the survey, location, and construction of a State highway connecting the present county road systems of any one or all of the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County, which will most conveniently accommodate the citizens of said counties, and making an appropriation therefor."

Amendment adopted.

AMENDMENT No. 2.

In Section 1 of the original bill, strike out from line 4 the words "in Trinity County." Strike out all of lines 5 and 6 and insert the following after the word "highway," in line 4: "Connecting the present county road systems of any one or all of the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County, which will most conveniently accommodate the citizens of said counties."

Amendment adopted.

AMENDMENT No. 3.

Amend by adding a new section thereto, known as Section 5, which shall read as follows:

SECTION 5. This Act shall take effect immediately.

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 229 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: Your Committee of the Whole have had under consideration Senate Bill No 229—An Act to provide for the survey, location, and construction of a State

highway connecting the present county road systems of any one or all of the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County, which will most conveniently accommodate the citizens of said counties, and making an appropriation therefor—and do now report the same back, and recommend that it do pass, as amended.

BEARDSLEE, Chairman.

Bill ordered to print and on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read unanimous consent having been obtained for their reception):

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

HELD, Chairman.

Assembly Bill No. 903 referred to Committee on Ways and Means.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties jointly with other persons or corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

THOMPSON of Los Angeles, Chairman.

Assembly Bill No. 887 ordered on file for second reading.

CONSIDERATION OF SENATE BILLS—(RESUMED).

Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597*a*, Section 597*b*, Section 597*c*, and Section 597*d*, relating to docking of horses' tails, and providing a punishment therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Bill read second time.

Senate Bill No. 225—An Act appropriating money to pay the claim of C. F. Treadwell against the State of California.

Bill read second time.

Senate Bill No. 226—An Act appropriating money to pay the claim of C. B. Curtin against the State of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 224, 225, and 226.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 224, 225, and 226 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: Your Committee of the Whole have had under consideration Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Also: Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Also: Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

And do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 58 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in the assessment books.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "one dollar and fifty cents," in line 17, Section 1 of the printed bill, and insert in lieu thereof the words "two dollars."

Amendment adopted.

AMENDMENT No. 2.

Strike out the following: "*Provided, however*, that the court may disallow any fees to a witness unnecessarily subpœnaed," found in lines 22, 23, and 24 of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 504 – An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 364—An Act appropriating $13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 364 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 364—An Act appropriating $13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the word "light," at the end of line 10, of Section 1, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 587—An Act to make an appropriation for the location, survey and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Bill read second time.

Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 587 and 290.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 587 and 290 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of said bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: Your Committee of the Whole have had under consideration Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Also: Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800 000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

And do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 1617*a*, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 74—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title of the bill so that it will read as follows:
An Act to amend section eight hundred and six of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to recorder's courts and giving the city justice's court jurisdiction and power over all records, registers, dockets, books, papers, causes, actions, and proceedings lodged, deposited, or pending before the recorder's court.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all the words from and including the word "Section," on line 1, Section 1, page 1, printed bill, to and including the word "city," in line 13 of said Section 1, page 1, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word and figure "Sec. 2," on line 1, Section 2, second page, printed bill, and insert in lieu thereof the following: "Section 1."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "justice." where it first occurs on line 7, Section 2, second page, printed bill, and inserting in lieu thereof the following: "justice's."

Amendment adopted.

AMENDMENT No. 5.

Amend by adding the letter "s" to the word "court," and also by adding the letter "s" to the word "proceeding," on line 21 of Section 2, second page, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out "$50," on line 32 of Section 2, second page, printed bill, and inserting in lieu thereof the following: "fifty dollars."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out "$50," on line 34 of Section 2, second page, printed bill, and inserting in lieu thereof the following: "fifty dollars."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out all the words from and including "Sec. 3," on line 1 of Section 3, third page, printed bill, to and including the word "courts," on line 27 of Section 3 on said page.

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out the words "Sec. 4," on line 1 of Section 4, third page, printed bill, and inserting in lieu thereof the following: "Sec. 2."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said court, and fix the compensation of certain officers thereof," approved March 5,

1901, relating to compensation of the prosecuting attorney, and assistant prosecuting attorneys, and a stenographer, and providing for their appointment.

During second reading of bill, the following amendment was submitted by the committee:

After the word "jurisdiction," in line 27, page 2 of the printed bill, strike out the period and insert a semicolon, and insert as follows: "except criminal cases arising upon violation of the provisions of the city charter or ordinances, which shall be prosecuted by said prosecuting attorney and assistants when requested by the city attorney of said city, who may deputize said prosecutors for such purposes."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 115 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Bill read second time.

Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

Bill read second time.

Mr. Estudillo moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 363 and 611.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 363 and 611 considered.

Mr. Estudillo moved that the committee do now rise and report in favor of the passage of said bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Also: Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

And do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 401—An Act providing for the extermination of the Boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or balloting machines, defining their power, and providing for the use at the option of the indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county, or city or town, at any or all elections held therein, and for ascertaining the result of said elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by adding after the word "candidate," on line 6, Section 3, second page, printed bill, the following: "or the authorized representative of either."

Amendment adopted.

AMENDMENT No. 2.

Amend by adding the words after the word "postoffice," on line 2, Section 2, second page, printed bill, "with postage prepaid thereon."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 244—An Act to amend Section 1055 of An Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "ten," Section 1, in line 3, first page, printed bill, and inserting in lieu thereof the following: "seven," and after the word "thousand" insert "five hundred."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 54 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print, and on file for third reading.

ADJOURNMENT.

At eleven o'clock and three minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Friday, February 22, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, February 22, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury,

Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—64.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leave of absence for this day: Messrs. Finney, Wyatt, Beckett, McGuire, Sackett, and Boyle.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Wilson, its further reading was dispensed with.

APPROVAL OF JOURNALS.

The Journals of Wednesday, February 13, and Thursday, February 14, 1907, were read and approved as corrected by the Minute Clerk.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 20—Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of said City of Vallejo, voting thereon at the special election held therein for that purpose on the fifth day of February, 1907—have had the same under consideration and respectfully report the same back, and recommend that it be adopted.

Also: Your committee have had under consideration Assembly Bill No. 954—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Also: Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Also: Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the board of trustees of the City of Sacramento," approved March 22, 1886.

Also: Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Also: Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalties," approved March 18, 1885, by amending Section 34 of said Act.

And respectfully report the same back, and recommend that they do pass.

JURY, Chairman.

The above reported bills ordered on file for second reading.

CONSIDERATION OF CONCURRENT RESOLUTION.

On motion of Mr. Devlin, the Assembly proceeded to consider Assembly Concurrent Resolution No. 20.

ASSEMBLY CONCURRENT RESOLUTION No. 20,

Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of said City of Vallejo voting thereon at the special election held therein for that purpose on the 5th day of February, 1907.

WHEREAS, The City of Vallejo in the County of Solano, State of California, contains a population of more than three thousand five hundred (3500) inhabitants and

WHEREAS, Said City of Vallejo ever since the 26th day of January, 1899 has been and now is a municipal corporation organized, existing and acting under and by virtue of a freeholders' charter adopted, ratified and approved in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter has never been amended, and

WHEREAS, The board of trustees of said City of Vallejo did by Ordinance No. 353, duly passed by said board on November 21, 1906 and duly approved by the mayor of said city on November 22, 1906, describe and set forth twenty-one (21) certain proposals to amend the charter of said city; and

WHEREAS, Said proposed amendments were and each of them was published for twenty (20) days in the "Vallejo Evening Chronicle," a daily newspaper printed, published and of general circulation in said City of Vallejo, as required by Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, The said board of trustees of said City of Vallejo did by Ordinance No. 361, duly passed by said board on January 16, 1907 and duly approved by the mayor of said city on January 17, 1907, order the holding of a special election in said City of Vallejo on the 5th day of February, 1907, said day being at least forty (40) days after the publication of aforesaid proposed amendments as above stated, for the purpose of submitting said proposed amendments to the qualified electors of said city in accordance with the provisions of Section 8 of Article XI aforesaid; and

WHEREAS, Said Ordinance No. 361 was published in the "Vallejo Evening Chronicle," a daily newspaper published in said City of Vallejo, for at least ten (10) days prior to the 5th day of February, 1907 as required by the charter of said City of Vallejo; and

WHEREAS, At said special election, twenty (20) of said proposed amendments, to wit, amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 were, and each of them was, ratified by a majority of the qualified electors of said City of Vallejo voting thereon; and

WHEREAS, The board of trustees of said City of Vallejo, in accordance with the provisions of Section 70, Article IX of the charter of said city, on the second day after said special election, to wit, on February 7, 1907, duly canvassed the returns of said election and found, determined and declared that at said special election twenty (20) of said proposed amendments, to wit, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 were, and each of them was, ratified by a majority of the qualified electors of said City of Vallejo voting thereon; and

WHEREAS, The said amendments to said charter so ratified are in words and figures respectively as follows:

AMENDMENT No. 1.

That Section 1, Article I, of the said charter of said City of Vallejo, be amended so as to read as follows:

Section 1.—The municipal corporation now existing and known as the City of Vallejo shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Vallejo, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings whatever; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold, and enjoy real and personal property within and without its boundaries, and all ditches, rights of way, reservoirs, water rights, and property of every description necessary or convenient to supply said city with water, and for proper sewerage and drainage of the city; receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; and shall have the right to construct, own and maintain docks, wharves, piers and slips and to collect tolls thereon; and shall have power to own or lease, and to operate as owner or lessee all necessary works, machinery and appliances for supplying said city and its inhabitants with gas, electricity, telephones, ferries and street railroads, for all purposes for which gas, electricity, telephones, ferries and street railroads may be used, and may incur a bonded indebtedness, if necessary, for the purpose of acquiring the works, machinery or appliances aforesaid.

AMENDMENT No. 2.

That Section 9, Article III, of the said charter of said City of Vallejo, be amended so as to read as follows:

Section 9.—Each board of city trustees shall upon holding their first meeting after their election, elect a president from their own number, who shall hold office for two years or until his successor is elected, and who shall preside at all meetings of the board in the absence of the mayor. In the absence of the mayor and president at any meeting, a president pro tem may be chosen to preside.

AMENDMENT No. 3.

That Section 27, Article III, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 27.—The mayor shall preside at all meetings of the board, and shall not have the right to vote.

Ordinances and resolutions are the formal acts of the board reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts, which being less formal in character, require only to be duly passed by the board and spread upon the minutes. No order, resolution or ordinance shall have effect without the approval of the mayor except as hereinafter provided.

In case of orders the approval shall be presumed, unless at the same meeting, the mayor causes his disapproval, with the reasons therefor, to be spread upon the minutes. In the event of the mayor disapproving an order, the board may at the same meeting at which such disapproval was entered, or at any subsequent meeting of the board up to and including the next regular meeting following the meeting at which said disapproval was entered, re-pass said order, and if it be so re-passed by an affirmative vote of at least four-fifths of the members of the board of trustees, it shall on such re-passage at once take effect, whether it be approved by the mayor or not.

All resolutions or ordinances, after passage, must be certified by the president of the board and the city clerk, and submitted to the mayor, who shall within five days after he has received the same, endorse his approval or disapproval thereon, giving the reasons for his disapproval in writing. If the mayor endorses his approval it shall then become an ordinance or an effective resolution, as the case may be. If the resolution or ordinance is returned without the approval of the mayor, the board, within thirty days thereafter, may proceed to consider and vote on the same. If the resolution or ordinance is again passed by a vote of at least four-fifths of the members of the board of trustees, it shall take effect as a resolution or ordinance, as the case may be, as if the mayor had approved the same. If the resolution or ordinance shall fail, on being reconsidered, to receive an affirmative vote of at least four-fifths of the members of the board of trustees, it shall then be finally lost. If the resolution or bill is not returned with such approval or disapproval within five days after it is received by the mayor, then it shall take effect as a resolution or ordinance, as the case may be, the same as if the mayor had approved the same.

AMENDMENT No. 4.

That said charter of said City of Vallejo be amended by adding a new section thereto to be known as Section 39½, Article VI, to read as follows:

Section 39½.—In case of the inability of the mayor to perform his duties or in case of his absence from the city, the president of the board of city trustees shall act as the mayor of the city, subject to the provisions of Section 71, Article IX, of this charter.

AMENDMENT No. 5.

That Section 42, Article VI, of the said charter of said City of Vallejo, be amended so as to read as follows:

Section 42.—There shall be an attorney and counselor of said City of Vallejo, who shall be styled "city attorney," who shall hold office for two years and until his successor is elected and qualified. He shall have been an elector of the city at least two years preceding his election and duly admitted to practice by the Supreme Court of the State of California; and shall have actually been engaged in the practice of his profession for a period of at least two years next before his election.

AMENDMENT No. 6.

That Section 44, Article VI, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 44.—The city engineer shall be appointed by the commissioners of public works; he shall have been a citizen of the state and a resident and qualified elector of the city at least two years next before his appointment, and shall hold office for two years and until his successor is appointed and qualified.

AMENDMENT No. 7.

That Section 58, Article VII, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 58.—The officers herein named shall receive the following annual salaries:

Mayor	$600 00
Treasurer and Tax Collector	900 00
City Clerk	1500 00
City Attorney	900 00
Auditor and Assessor	900 00
Health Officer	300 00
Superintendent of Water System and Streets	1200 00
Chief of Police	1500 00
Policemen (each)	900 00
Chief of Fire Department	200 00
Deputy Superintendent of the Water Department	900 00

City Engineer to receive fees, to be fixed by the trustees.

Salaries of all officers to be paid monthly. After having served two years the policeman shall receive an increase of $120.00 per annum. The change in salaries of the members of the police department shall take effect and be in force upon the final adoption of this amendment.

The salaries set forth in this charter shall be in full for all services rendered. It shall be unlawful for the board of trustees, or any other board, to raise the salary of any officer, after his election, or the date of his appointment.

The words "election or appointment" as used in this section shall mean from the time the clerk made out his certificate of election or appointment; and the word "salary," as used in this section, includes all allowances of whatever nature.

AMENDMENT No. 8.

That Section 65, Article IX, of said charter of said City of Vallejo, be amended so as to read as follows:

Section 65.—At the first municipal election held under the provisions of this charter the following officers shall be elected and biennially thereafter: A mayor; city clerk, who shall also be clerk of the water department, and secretary to the commissioners of public works; auditor, who shall be ex-officio assessor; treasurer, who shall be ex-officio tax collector and license tax collector; city attorney; superintendent of water department, who shall be ex-officio superintendent of streets; two commissioners of public works; also five city trustees, five school directors and five library trustees, who shall hold office for four years; *provided*, that the members of the above boards, at the first meeting of their respective boards, held under the provisions of this charter, shall draw lots for a long and short term; three members of each board shall retire at the end of two years, their successors shall be elected to hold office for four years; and two shall retire at the end of four years, and their successors shall be elected every four years thereafter. All officers herein named shall be elected at large; *provided* that the members of the board of city trustees shall be nominated from wards, two from the First Ward, two from the Second Ward, and one from the Third Ward, and the official ballots shall be prepared so that they shall show the ward that each candidate is nominated for. All candidates for city trustees shall be voted for by the electors of the entire city without respect to wards, and the nominees from each ward having the highest number of votes shall be declared the trustees from that ward.

The board of city trustees and the board of education shall be the judges of the election and qualification of their own members.

AMENDMENT No. 10.

That Section 93, Article XII, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 93.—The commissioners of public works shall have full power and authority over the organization, government and discipline of the water works department, and shall have control of the water works, and all other property pertaining or belonging thereto, and shall see that all employees in the department faithfully discharge their duties, and that the laws, ordinances, rules and regulations relating thereto are observed. The commissioners shall make such rules and regulations as may be necessary to secure efficiency in the water works department; they shall only appoint such employees as may be necessary to carry on the work of the department in an efficient manner.

The commissioners of public works, in making appointments of employees of the water works department, shall be guided solely by the fitness of the applicant; *provided*, that all employees shall be citizens of the United States; and no person shall be appointed to or removed from any position in said department on account of partisanship or political opinions.

The appointment of employees in the office of the water works department shall be made by the commissioners of public works on the recommendation of the clerk of said department.

AMENDMENT No. 11.

That Section 102, Article XIII, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 102.—The government of the school department is hereby vested in a board of education, consisting of five members, who shall be designated school directors, and they shall serve without compensation. The board of education shall appoint the principal of the High School as supervising principal of the said school, and the principal of the Lincoln Grammar School as supervising principal of all schools except the High School, and as such supervising principal they are respectively given the powers and duties of their respective offices, which powers and duties shall be prescribed by the board of education.

AMENDMENT No. 12.

That Sub-section 15, of Section 105, Article XIII, of said charter of said City of Vallejo, be and the same is hereby repealed.

AMENDMENT No. 13.

That said charter of said City of Vallejo be amended by adding a new section thereto to be known as Section 105½, Article XIII, to read as follows:

Section 105½.—The board of education shall also have power to prepare plans and recommend and select sites for new school buildings when required; said plans to be approved by the commissioners of public works.

AMENDMENT No. 14.

That Section 109, Article XIII, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 109.—No teacher shall be elected or appointed to a position in the school department who does not hold a primary, or grammar grade, or high school certificate in full force. All teachers elected to positions in the department who are reported upon favorably by the whole committee on classification shall retain their positions for the ensuing two years without re-election, and shall be removed only for cause. No teacher shall be removed from a position held in the schools of the city except by the votes of four members of the board.

AMENDMENT No. 15.

That Section 117, Article XV, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 117.—The police department of the City of Vallejo shall consist of a chief of police, one sergeant to be appointed by the chief from the patrolmen who have served two years, and such number of other policemen, not less than six, and not exceeding one for each 1500 inhabitants, as the board of trustees shall from time to time by ordinance authorize to be appointed. The salary of the sergeant shall be $90.00 per month. All policemen shall be nominated by the mayor and confirmed by the board of trustees, such appointees to hold office during efficiency and good behavior (*provided*, that the adoption of this amendment shall in no manner be construed as authorizing the appointment of substitutes for the policemen now on the force, except as in the manner provided in Section No. 119 of this charter). In determining the population of the city for the purpose mentioned in this section, it is provided that the registered vote of the city as it appears by the great register of Solano County shall be the basis upon which the population shall be established, and upon the ratio of five inhabitants for each voter registered. Additions to the force shall not be made oftener than once in four years.

AMENDMENT No. 16.

That Section 155, Article XIX, of the said charter of said City of Vallejo, be amended so as to read as follows:

Section 155.—Upon receipt by him of the assessment book, the tax collector must publish, for at least five days, a notice in some daily newspaper published in the city, specifying: First—That the taxes on all personal property secured by real property, and one-half the taxes on all real property, will be due and payable at the office of the collector on the first Monday in October, and will be delinquent on the last Monday in November next thereafter, at six o'clock P. M., and that unless paid prior thereto fifteen per cent will be added to the amount thereof, and that if the said one-half with said percentage be not paid before the last Monday in April next thereafter, at six o'clock P. M., an additional five per cent will be added thereto; and that the remaining one-half of the taxes on all real property will be payable on, or after, the first Monday in January next thereafter, and will be delinquent on the last Monday in April next thereafter, at six o'clock P. M., and that unless paid prior thereto five per cent will be added to the amount thereof. Second—That all taxes may be paid at the time the first installment is due and payable.

AMENDMENT No. 17.

That Sections 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 and 206, Article XX, of the said charter of said City of Vallejo, be, and they are hereby repealed.

AMENDMENT No. 18.

That Section 200, Article XX, of the said charter of the said City of Vallejo, be amended so as to read as follows:

Section 200.—When any street shall have been graded, paved or otherwise improved in accordance with the terms of this charter, and the costs of said improvements shall have been paid by the owners of the lots or lands adjacent thereto, and such grading, paving, or other improvements shall have been accepted and established, no change shall be made in the grade of such street, unless on the petition of the owners of three-fourths of the property fronting on said street. Upon the filing of said petition with the city clerk, the board of trustees shall refer the same to the commissioners of public works, which shall determine whether the improvement described would be a public benefit, and shall report their decision to the board of trustees. If the report of said board should favor granting the request of the petitioners, the board of trustees shall proceed in the manner elsewhere in this charter provided.

AMENDMENT No. 19.

That Section 218, Article XXI, of the said charter of said City of Vallejo, be and the same is hereby repealed.

AMENDMENT No. 20.

That said charter of said City of Vallejo be amended by adding a new section thereto to be known as Section 218½, Article XXI, to read as follows:

Section 218½.—The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided*, that the petition sent to the board of city trustees, the legislative branch of said City of Vallejo, shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, if any. One of the signers of each paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the board of city trustees shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the board of city trustees shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the board of city trustees that a sufficient petition is filed.

The board of city trustees shall make or cause to be made publication of notice, and all arrangements for holding of such election and the same shall be conducted, returned and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the clerk shall place his name upon the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

AMENDMENT NO. 21.

That said charter of said City of Vallejo be amended by adding a new article thereto to be known as Article No. XXII, to read as follows:

Section 220.—All streets, lanes, alleys, places or courts, in the city, now open or dedicated or which may hereafter be opened or dedicated to public use, shall be deemed and held to be open public streets, lanes, alleys, places or courts for the purposes of this article; and the trustees are hereby empowered to fix the width and grade thereof, and to order to be done therein and thereon any and all street work and street improvement under the proceedings hereinafter described.

Section 221.—Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this article, be made in writing to the board of public works; and if the expense thereof is to be assessed upon private property, the board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the trustees; and the trustees shall not order any such improvement until the same has been recommended by said board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than four-fifths of the members of the board of trustees. If an application is made for any work or improvement of which the expense is to be paid by the city, and the board of public works shall not approve of such application, it shall report to the trustees its reasons for such disapproval, and the trustees may then, after having obtained from the board of public works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than four-fifths of the members of the board of trustees, order the doing of said work, or the making of said improvement.

The board of public works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the city, though no application may have been made therefor, and must make, with said recommendation to the trustees, an estimate of the expense, and in such case the trustees may order the same done.

No street work or street improvements of any kind shall be ordered to be done by the trustees unless a written recommendation to do the same has been made to them by the board of public works, and all such recommendations shall be made matters of record in the office of said board.

When the board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the trustees with said recommendation.

Section 222.—Before recommending to the trustees the ordering of any work or improvement, the expense of which, or any part thereof, is to be assessed upon private property, the board of public works shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it shall take final action upon said resolution.

Upon the passage thereof the secretary of the board shall forthwith, without any further authority, cause a copy of said resolution to be posted conspicuously for five days in the office of said secretary, and to be published for a period of ten days (legal holidays excepted) and cause a copy to be deposited in the postoffice at the city, with postage prepaid, addressed to each person represented on the assessment book of the city for the next preceding fiscal year as being owner of land liable to be assessed for said improvement; but if said lot stand on said book in the name of unknown owners, such notice need not be sent.

The board shall also cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet in distance apart, notices not less than three in all, of the passage of said resolution. Each of said notices shall be headed "Notice of Street Work," in letters of not less than two inches in length, and shall in legible characters state the fact of the passage of said resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution of intention for further particulars.

Section 223.—The owners of a majority of the frontage of the property fronting on said proposed work or improvement, and in the case of a district, those owning more than one-half of the superficial area of the district, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the secretary of the board of public works, who shall endorse thereon the date of its reception by him. Such objections shall be a bar for six months to any further proceedings in relation to the doing of said work or making said improvement, unless the owners of the one-half or more of the frontage or of the district, as aforesaid, shall meanwhile petition for the same to be done, and the same shall, after the expiration of said six months, be continued under the resolution of intention first passed if said board shall deem proper.

If however, the owners of at least two-thirds of the property fronting on said proposed work or improvement, and, in the case of a district, those owning at least

two-thirds of the superficial area of the district, shall make written objections to the same within said six months, no further proceedings shall be taken under the aforesaid resolution of intention.

When the work or improvement proposed to be done is the construction of sewers, manholes, culverts or cesspools, and the objections thereto are signed by the owners of a majority of the frontage or of the district as aforesaid, the board shall at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The secretary shall thereupon notify the persons making such objections, by depositing a notice thereof in the post office at the city, postage prepaid, and addressed to each objector or his agent when he appears for such objector. At the time specified the board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and if said objections are overruled the proceedings shall be continued as though no objections had been made.

At any time before the making of the assessment as hereinafter provided, all owners of lots of land liable to assessment therein, who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved or the proceedings to which they object. Such petition or remonstrance shall be passed upon by the board, and its decision thereon shall be final and conclusive.

Section 224.—When the contemplated work or improvement in the opinion of the board of public works is of more than local or ordinary public benefit, it may recommend to the trustees that the expense of such work or improvement be made chargeable upon a district, and said board shall in its resolution of intention set out the district benefited by said work or improvement and to be assessed to pay the expense thereof. Objections to the extent and boundaries of the district of lands to be benefited by said work or improvement may be made by any interested party, in writing, within ten days after the expiration of the time of publication of the resolution of intention.

The secretary of the board shall lay said objections before it, and the board shall, at its next meeting, fix a time for hearing said objections not less than one week thereafter. The secretary shall thereupon notify the persons making such objections by depositing a notice thereof in the post office at the city, postage prepaid, addressed to each objector. At the time specified the board shall hear the objections urged and pass upon the same, and if said objections are overruled, its decision shall be final and conclusive as to the extent and boundaries of the district.

If the objections are sustained, the board shall proceed to set out another district to the extent and boundaries of which objections may be made and a hearing had thereon as above provided; and so on in like manner until a district has been set out to the extent and boundaries of which all objections shall be overruled by the board—its decision in that behalf to be final and conclusive; and thereupon the proceedings shall continue the same as if no objections had been made. In its report to the trustees the board shall accompany its report with a diagram on which shall be delineated each separate lot, piece or parcel of land, the area in square feet of each of such lots, pieces or parcels of land, and the relative location of the same to the work or improvement proposed to be done within the limits of the district. Such diagram shall be certified to be correct by the secretary of the board.

Section 225.—When the work under any contract shall have been completed, the contractor shall make and file in the office of the board of public works an affidavit to the effect that he has not entered into any private agreement, verbal or written, with any person liable to be assessed for said work, or with anyone on his behalf, to accept a price from him less than the price named in said contract, or to make any rebate or deduction to him from such price. Any such agreement shall be deemed a fraud upon all persons liable to be assessed for such work other than the property owners who were parties to the agreement, and shall make void, as to such persons so defrauded, any assessment made for the work done under such contract; and where there is more than one contractor each contractor shall make such affidavit.

Section 226.—When any work in or upon any public street shall have been completed according to contract, and the affidavit mentioned in the next preceding section shall have been made, the board shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of this article, according to the nature and character of the work. The assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot (if known to the board, and if not known, the word "unknown" shall be written opposite the number of the lot and the amount assessed thereon); the number of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for said work. A mistake in the name of the owner shall not invalidate any assessment.

When the expense for such work falls in part upon any person, company or corporation having railroad tracks upon the street where such work has been done, said assessment shall include an assessment against said person, company or corporation, for its legal proportion of said expense, and the same shall constitute a lien upon the road-bed, rolling-stock, franchises and other property of such person, company or corporation, for a period of two years from the date of recording the warrant, assessment and diagram hereinafter provided for.

Section 227.—The expense of all work or improvement done upon any part of said streets, lanes, alleys, places or courts under the order of the trustees, shall be borne and paid for as follows:

First—The city shall pay out of the general fund the expense; (*a*) Of all work done on streets, crossings and intersections of streets that have been or may be accepted by the city, after the acceptance of the same, and all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways. (*b*) Of all work done in front of, or that may be assessed to property owned by the city, or by any department thereof. (*c*) Of all work done in front of, or that may be assessed to property owned by the United States.

Second—The expense of all sewers, cesspools, manholes, culverts and drains, and of all grading, planking, macadamizing, paving, piling and capping any street, or portion thereof and of all curbs thereon, and of all work done on sidewalks, shall be assessed upon the lands within the block or blocks adjacent thereto as herein provided, except where by an assessment district it may be provided otherwise.

Third—The expense of all work on such portion of any street required by law to be kept in order by any person, company or corporation, having railroad tracks thereon, shall be borne and paid for by such person, company or corporation, and shall be included in the assessment hereinbefore provided for.

No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding assessment book of the city.

Section 228. Subdivision One—Except where the expense incurred for the street work and improvement authorized herein is to be assessed upon a district as hereinafter provided, such expense, other than that to be paid by a person, company or corporation having tracks on the street where such work and improvement has been done, shall be assessed upon the lots and lands fronting thereon, except as hereinafter specifically provided; each lot or portion of a lot being separately assessed in proportion to the frontage at a rate per front foot sufficient to cover the total expense of the work.

Subdivision Two—The expense of all improvement except such as is done by contractors under the provisions of section sixteen of this article, until the streets, avenues, street crossings, lanes, alleys, places or courts are finally accepted, as provided in section twenty-three of this article, shall be assessed upon the lots and lands as provided in this section according to the nature and character of the work.

Subdivision Three—The expense of the work done on main street crossings shall be assessed at a uniform rate per front foot on the quarter blocks and irregular blocks adjoining and cornering upon the crossings, and separately upon the whole of each lot or portion of a lot having any frontage in the said blocks fronting on said main streets, half way to the next main street crossing, and all the way on said blocks to a boundary line of the city where no such crossing intervenes, but only according to its frontage in said quarter blocks and irregular blocks.

Subdivision Four—Where a main street terminates in another main street, the expense of the work done on one-half of the width of the street, opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main street, and the expense of the other half of the width of said street upon the lot or lots fronting on the latter half of the street at such termination.

Subdivision Five—Where any alley or subdivision street crosses a main street, the expense of all work done on said crossing shall be assessed on all lots or portions of lots half way on said alley or subdivision street to the next crossing or intersection, or to the end of such alley or subdivision street if it does not meet another.

Subdivision Six—The expense of work done on alley or subdivision street crossings shall be assessed upon the lots fronting upon such alley or subdivision streets on each side thereof, in all directions, half way to the next street, place, or court, on either side respectively, or to the end of such alley or subdivision street, if it does not meet another.

Subdivision Seven—Where a subdivision street, avenue, lane, alley, place, or court, terminates in another street, avenue, lane, alley, place or court, the expense of the work done on one half the width of the subdivision street, avenue, alley, place, or court opposite the termination shall be assessed upon the lot or lots fronting on such subdivision street or avenue, lane, alley, place or court so terminating, according to its frontage thereon, half way on each side, respectively, to the next street, avenue, lane, alley court or place, or the end of such street, avenue, lane, alley, place or court, if it does not meet another, and the other one half of the width upon the lots fronting such termination.

Subdivision Eight—Where any work mentioned in this article, manholes, cesspools, culverts, crosswalks, piling, and capping excepted, is done on either or both sides of the center line of any street for one block or less, and further work opposite to the work of the same class already done is ordered to be done to complete the unimproved portion of said street the assessment to cover the total expense of said work so ordered shall be made upon the lots or portions of the lots only fronting the portions of the work so ordered. When sewering or resewering is ordered to be done under this sidewalk or only on one side of a street for any length thereof, the assessment for its expense shall be made only upon the lots and lands fronting nearest upon that side, and for intervening intersections only upon the two quarter-blocks adjoining and cornering upon that side.

Subdivision Nine—Any owner or owners of lots or lands fronting upon any street, the width and grade of which have been established by the trustees, may perform at his or their own expense (after obtaining permission from the board of public works so to do, but before said board has passed its resolution of intention to recommend grading inclusive of this) any grading upon said street, to its full width, or to the center line thereof, and to its grade as then established, and thereupon may procure at his or their own expense, a certificate from the city engineer setting forth the number of cubic yards of cutting and filling made by him or them in said grading, and the proportions performed by each owner, and that the same is done to the established width and grade of said street, or to the center line thereof, and thereafter may file said certificate in the office of the board. Said certificate shall be recorded in a properly indexed book kept for that purpose in the office of the board. Whenever thereafter the trustees order the grading of said street, or any portion thereof, on which any grading certified as aforesaid has been done, the bids and contract must express the price of the cubic yard for cutting and filling in grading, and such owner or owners, and his or their successors in interest, shall be entitled to credit on the assessment upon his or their lots and lands fronting on said street for grading thereof, to the amount of the cubic yards of cutting and filling set forth in his or their said certificate, at the prices named in the contract for said cutting and filling; or, if the grade meanwhile has been legally changed, only for so much of said certified work as would be required for grading to the grade as changed. Such owner or owners shall not be entitled to any credit that may be in excess of the assessment for grading upon the lots and land owned by him or them, and proportionately assessed for the whole of said grading. The board shall include in the assessment for the whole of said grading upon the same grade the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in his office, or for the whole of said grading to the changed grade so much of said certified work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments upon the amounts assessed against the lots and lands owned respectively by said certified owners and their successors in interest; but he shall not include any grading quantities or credit any sums in excess of the proportionate assessments for the whole of the grading which are made upon any lots and lands fronting upon said street and belonging to any such certified owners, or their successors in interest. When any owner or owners of any lots and lands fronting on any street shall have heretofore done, or shall hereafter do any work, except grading, on such street, in front of any block, at his or their own expense, and the trustees shall subsequently order any work to be done of the same class in front of the same block, the work so done at the expense of such owner or owners shall be excepted from the order ordering work to be done, as provided in subdivision ten of this section; but the work so done at the expense of such owner or owners shall be upon the official grade, and in condition satisfactory to the board of public works at the time said order is passed.

Subdivision Ten—The board of public works may include in the resolution of intention any of the different kinds of work mentioned in this article, and it may except therefrom any of said work already done upon the street to the official grade, The lots and portions of lots fronting upon said accepted work already done shall not be included in the frontage assessment for the class of work from which the exception is made; but this shall not be construed so as to affect the special provisions as to grading contained in subdivision nine of this section.

Subdivision Eleven—When the resolution of intention declares that the expense of the work and improvement is to be assessed upon a district, immediately after the contractor has fulfilled his contract to the satisfaction of the board of public works or to the satisfaction of the trustees on appeal, the board of public works shall proceed to estimate upon the lands, lots, or portions of lots within said assessment district, as shown by the diagram provided for in section five of this article, the benefits arising from such work, and to be received by each such lot, portion of such lot, piece or subdivision of land, and shall thereupon assess upon and against said lands in said assessment district the total amount of the expense of such proposed work, and in so doing shall assess said total sum upon the several pieces, parcels, lots or portions of lots, and subdivisions of land in said district benefited thereby, to wit: Upon each respectively in proportion to the estimated benefits to be received by each of said several lots, portions of lots, or subdivisions of land. In other respects the assessment shall be as provided in this article.

Section 229.—If at any time there shall be any street work or improvement done, and none of the methods hereinbefore provided are legally sufficient to authorize the

board of public works to make an assessment to pay for the expense thereof then said board shall, before it passes a resolution of its intention to recommend the ordering of said work or improvement, establish by resolution a method by means of which such assessment shall be made; and on the completion of the work or improvement to the satisfaction of said board, or to the satisfaction of the trustees on appeal, said board shall make an assessment to pay the expense thereof according to the method established by said resolution.

Section 230.—In making all assessments the board of public works shall act as a board, and the assessment shall be authenticated by the signatures of all the members thereof.

Section 231.—To said assessment shall be attached a warrant which shall be signed by the president of the board of public works and countersigned by the secretary thereof. Said warrant shall be substantially in the following form:

By virtue hereof the board of public works of the City of Vallejo, by the authority vested in it, does authorize and empower (name of contractor) his (or their) agents, or assigns, to demand and receive the several assessments upon the assessment and diagram hereto attached, and this shall be his (or their) warrant for the same.

(Date) ————————. (Name of President of Board of Public Works).

Countersigned by ————————. (Name of Secretary of Board of Public Works).

Said warrant, assessment and diagram, shall be recorded in the office of the board. When so recorded the several amounts assessed shall be a lien upon the lands, lots or portions of lots assessed, respectively for the period of two years from the date of said recording, unless sooner discharged; and from and after the date of said recording of any warrant, assessment and diagram, all persons interested in said assessment shall be deemed to have notice of the contents of the record hereof.

After said warrant, assessment and diagram are recorded, the same shall be delivered to the contractor, or his agent or assigns, on demand, but not until after the payment to the board of the incidental expenses not previously paid by the contractor or his assigns. By virtue of said warrant said contractor, or his agents or assigns, shall be authorized to demand and receive the amount of the several assessments made to cover the sum due for the work specified in such contracts and assessments.

When it shall appear by the final judgment of any court in this state having jurisdiction to render such judgment, that any suit brought to foreclose the lien of any assessment for street work made under this article, or in the recording thereof, has been defeated by reason of any defect, error, informality, omission, irregularity, or illegality, thereof or therein, or in the return on the warrant issued pursuant to any such assessment, or in the recording of any such warrant any person interested therein may, at any time within seven months after the entry of said final judgment, apply to the board for another assessment to be issued in conformity to law; and the board shall, within sixty days after the time of said application, make and deliver to said applicant a new assessment, diagram and warrant in accordance with law, and sign, record and authenticate the same as above provided. Such assessment shall be a lien upon the lots of land set out herein for the period of two years from the date of its recording, and suit may be brought to enforce said lien as provided in this article. Should such final judgment be that of the Superior Court of the County of Solano and an appeal therefrom to the Supreme Court of the State has been taken, no such other assessment shall be made until said appeal has been determined.

Section 232.—The contractor, or his assigns, or some person on his or their behalf, shall call upon the person assessed, or their agents, if they can conveniently be found, and demand payment of the amount assessed to each. If any payment be made, the contractor, his assigns, or some person on his or their behalf, shall receipt the same upon the assessment in the presence of the person making such payment, and shall also give a receipt if demanded. When the person so assessed, or their agents, can not conveniently be found, or when the owner of the lot is stated as "unknown" upon the assessment, then said contractor or his assigns, or some person on his or their behalf, shall publicly demand payment on the premises assessed.

The warrant shall be returned to the board of public works within thirty days after its date with a return indorsed thereon, signed by the contractor or his assigns, or some person on his or their behalf, verified upon oath, stating the nature and character of the demand, and whether any of the assessments remain unpaid in whole or in part, and the amount thereof. Thereupon the secretary of the board shall record the return so made in the margin of the record of the warrant and assessment.

The board can at any time receive the amount due upon any assessment and warrant issued by it and give a good and sufficient discharge therefor; but no such payment so made after suit has been commenced shall operate, without the consent of the plaintiff in the action, as a complete discharge of the lien until the costs in the action shall be refunded to the plaintiff.

The board may release any assessment upon the books of its office on the payment to it of the amount of the assessment with interest, against any lot or on the production to it of the receipt of the party or his assigns to whom the assessment and warrant were issued. If any contractor shall fail to return his warrant within the time and in the form provided in this section he shall thenceforth have no lien upon

the property assessed; but if any warrant is lost, upon proof of such loss, a duplicate may be issued, upon which a return may be made with the same effect as if the original had been so returned. After the return of the assessment and warrant as aforesaid, all amounts remaining due thereon shall draw interest at the rate of seven per centum per annum until paid.

Section 233.—The owners, whether named in the assessment or not, the contractor or his assigns, and all other persons directly interested in any work provided for in this article, or in the assessment, feeling aggrieved by any act or determination of the board of public works in relation thereto, or who claim that the work has not been performed, according to the contract, in a good and substantial manner, or having or making any objection to the correctness or legality of the assessment or other act, determination, or proceedings of the board, shall, within thirty days after the date of the warrant appeal to the trustees, by briefly stating their objections in writing, and filing the same with the clerk of the trustees. Notice of the time and place of hearing, briefly referring to the work contracted to be done, or other subject of appeal, and to the acts, determinations or proceedings objected to or complained of, shall be published for five days. Upon such appeal the trustees may remedy and correct any error or informality in the proceedings, and revise and correct any of the acts or determinations of the board relative to said work, may confirm, amend, set aside, alter, modify, or correct the assessment in such manner as to them shall seem just, and require the work to be completed according to the directions of the trustees, and may at their option direct the board of public works to correct the warrant, assessment or diagram, in any particular or to make and issue a new warrant, assessment and diagram to conform to the decisions of the trustees in relation thereto.

All the decisions and determinations of the trustees upon notice and hearing as aforesaid, shall be final and conclusive upon all persons entitled to appeal under the provisions of this section, as to all errors, informalities and irregularities, which the trustees might have remedied and avoided; and no assessment shall be held invalid, except upon appeal to the trustees, as provided in this section, for any error, informality or other defect in the proceedings prior to the assessment, or in the assessment itself, where the board of public works has acquired jurisdiction to make the same.

Section 234.—At any time after the period of thirty-five days from the day of the date of the warrant, or if an appeal has been taken to the trustees, then, at any time after five days from the decision of the trustees on such appeal, or after the return on the warrant, after the same may have been corrected, altered, or modified, as herein provided, but not less than within thirty-five days from the date of the warrant, the contractor or his assignee may sue in his own name the owner or the mortgagee of the land, lots, or portions of lots assessed on the day of the date of the recording of the warrant, assessment and diagram, or any day thereafter during the continuance of the lien of said assessment, and recover the amount of any assessment remaining unpaid, with interest thereon at the rate of seven per centum per annum until paid.

In all cases of recovery under the provisions of this article the plaintiff shall recover the sum of fifteen dollars in addition to the taxable costs, as attorney's fees, but not any percentage upon said recovery. When suit has been brought, after a personal demand has been made and a refusal to pay such assessment so demanded, the plaintiff shall also be entitled to have and recover said sum of fifteen dollars as attorney's fees in addition to all taxable costs, notwithstanding that the suit may be settled or a tender be made before a recovery in said action, and he may have judgment therefor.

Said warrant, assessment and diagram, with the affidavit of demand and nonpayment, shall be held prima facie evidence of the regularity and correctness of the assessment and of the prior proceedings and acts of the board of public works and of the trustees upon which said warrant, assessment and diagram are based, and like evidence of the right of the plaintiff to recover in the action. The court in which said suit shall be commenced shall have power to adjudge and decree a lien against the lots of land assessed, and to order such premises to be sold on execution as is in other case of the sale of real estate by the process of said courts. In all actions brought to enforce the lien of assessments made pursuant to the provisions of this article the proceedings therein shall be governed and regulated by the provisions of this article, and, when not in conflict herewith, by the codes of this state.

Section 235.—When any portion of the roadway of any street, avenue, lane, alley, court, or place, or any portion of any sidewalk in the city, none of which has been accepted by the trustees as in this article provided, shall be so out of repair as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the board of public works shall require the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court, or place, by a notice in writing, to be delivered to them or their agents personally, to repair forthwith said portion of said street, avenue, lane, alley, court or place, to the center line thereof, in front of the property of which he is the owner or tenant, or occupant. The board shall particularly specify in said notice what work is required to be done and what material shall be used in said repairs. If said repairs be not begun within five days after notice given as aforesaid and diligently and without interruption prosecuted to completion, the board may make such repairs, or enter into contract with any suitable person, at the expense

of the owner, tenant, or occupant, after the specifications for the doing of said work shall have been conspicuously posted by it in its office for three days, inviting bids for the doing of said work. Said bids shall be delivered to it at its office on or before the second day after the completion of said posting, and opened by it on the next day following, whereupon the contract shall be awarded to the lowest responsible bidder.

All of said bids shall be preserved in the office of the board, and shall be open at all times after the letting of the contract, to the inspection of all persons; and such owner, tenant, or occupant, shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of the board. Upon the completion of such repairs by the contractor as aforesaid to the satisfaction of the board, it shall make and deliver to the contractor a certificate to the effect that such repairs have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that the board of public works has accepted the same.

Section 236.—If the expense of the work and material for the repairs provided for in the last preceding section be not paid on demand to the contractor so employed, or his agent or assignee, said contractor, or his assignee, shall have the right to sue such owner, tenant or occupant for the amount contracted to be paid; and the certificate provided for in said section shall be prima facie evidence of the amount claimed for said work and materials, and of the right of the contractor to recover for the same in such action. Said certificate shall be recorded by the board of public works in a book kept by it in the office for that purpose, properly indexed, and the sum contracted to be paid shall be a lien as in case of other assessments provided for in this article.

Section 237.—In addition to the remedies above given the trustees may prescribe the penalties that shall be incurred by any owner or person neglecting or refusing to make repairs when required, as hereinbefore provided. Such penalties shall be enforced for the use of the city by prosecution in the name of the people of the State of California in the court having jurisdiction thereof and may be applied in the case of fines, to the payment of expense of any such repairs not otherwise provided for.

Section 238.—The person owning the fee, or the mortgage of such fee, or the person who, on the day the action is commenced, appears by deed duly recorded in the county recorder's office of the County of Solano, to have the legal title to the land, or the person in possession of lands, lots, portions of lots or buildings under claim, or exercising acts of ownership over the same for himself, or as executor, administrator or guardian of the owner, shall be regarded, treated, and deemed to be the "owner" for all the purposes of this article. And in case of property leased, the possession of the tenant or lessee holding and occupying under such person shall be deemed to be the possession of such owner.

Section 239.—Any tenant or lessee of any lot of land on which has been imposed an assessment under the provisions of this article may pay said assessment, or he may discharge any liability imposed thereon by virtue of the provisions of this article, or he may redeem the property within the time prescribed by law, if legally sold on execution, and may deduct the amount so paid from the rents due and to become due from him; and he shall have a lien upon, and may retain possession of, said lots until the amount so paid and advanced with legal interest thereon, be satisfied from accruing rents or by payment by the owner.

Section 240.—The records kept by the board of public works shall have the same force and effect as other public records, and duly certified copies therefrom may be used in evidence with the same effect as the originals. Said records shall, during all office hours, be open, free of charge, to the inspection of any citizen wishing to examine them.

Section 241.—Notices in writing required to be given by the board may be served by any person over the age of twenty-one years, and the fact of such service may be verified by the oath of the person making it. Such oath may be taken before the secretary of said board or before any member thereof.

Section 242.—When any street or portion of a street has been or shall hereafter be fully constructed to the satisfaction of the board of public works and of the trustees, and is in good condition throughout and a sewer, gas pipes, and water pipes are properly laid therein the same shall be accepted by the trustees by ordinance; and thereafter such street or portion of a street shall be kept in repair and improved by the city. The trustees shall not accept any portion of a street less than the entire width of the roadway, including the curbing, and one block in length, or one entire crossing; but they may partly or conditionally accept any street, without sewer, or gas pipes, or water pipes therein, if the ordinance of acceptance expressly states that they deem such sewer, or gas pipes, or water pipes to be then unnecessary. In such case the lots of land previously or at any time assessable for the cost of constructing a sewer shall remain and be assessable for such cost and for the cost of repairs and restoration of the street damaged in said construction, whenever the trustees shall deem a sewer to be necessary and shall order it to be constructed. The board of public works shall keep in its office a register of all streets accepted by the trustees under this section, which register shall be indexed for easy reference thereto.

Section 243.—The board of public works may at any time, without any application therefor, recommend to the trustees to order the paving or macadamizing of the portion of any street required by law to be paved or macadamized by the person, company or corporation having railroad tracks thereon. Upon such recommendation the trustees shall by ordinance order said work to be done and direct said board to notify said person, company, or corporation of the fact of the passage of such ordinance.

The secretary of said board shall thereupon forthwith in writing notify said parties of the passage of said ordinance; and if said person, company or corporation shall not within ten days after receiving said notice commence in good faith to do said work and prosecute the same diligently to completion, the board shall invite sealed proposals for doing said work in the manner provided in this article; and all the provisions of this article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceedings taken under this section. On the completion of the work to the satisfaction of the board the contractor shall be entitled to recover from such person, company or corporation, the contract price for the expense of said work, together with incidental expenses, in an action instituted in a court of competent jurisdiction. On the trial of such action, the certificate of the board on completion of said work to its satisfaction shall be prima facie evidence of the regularity of all the proceedings prior thereto and of plaintiff's right to recover in said action.

Section 244.—Except as otherwise in this article specifically provided, no ordinance for the improvement of any street other than for sewers, sidewalks or curbs, except for the improvement of the streets constituting or lying along the water front of the city, and except for such work as is provided for in the next preceding section shall be passed by the trustees without extending said improvement throughout the whole width of such street.

Section 245.—Wherever in this article the word "street" occurs, it shall be held to include all streets, lanes, alleys, places and courts which have been, or may be hereafter, dedicated and open to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets.

The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling, and capping; and the construction and repairs of sewers, cesspools, manholes, culverts, drains, sidewalks, and curbs.

The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing.

The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor.

The term "quarter block" as used in this article as to irregular blocks, shall be deemed to include all lots or portions of lots, having any frontage on either intersecting street half way from such intersection to the next main street, or, when no main street intervenes, all the way to a boundary line of the city.

The word "paved" shall include any pavement of stone, iron, wood, or other material which the trustees may by ordinance order to be used; but no patented pavement shall be ordered during the existence of the patent therefor, until the owner of such patent shall have transferred to the city all right to the use of the same therein, with the privilege to any person to manufacture and lay the same upon its streets under any contract that may be awarded to him, or entered into by him with the city.

The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for, and all expenses for surveying, measuring and inspecting the work.

All notices and resolutions required in this article to be published shall be published daily, legal holidays excepted, in a newspaper published in said city.

All notices herein required to be served, whether by delivery, mailing or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be prima facie evidence of such service. The affidavit by the publisher of the newspaper, or his clerk, of the publication of any notice required in this article to be published, shall be prima facie evidence of such publication.

Section 246.—When the owners of all the lands fronting upon any street which is less than sixty feet in width, for the entire distance of said street, or for the distance of one or more entire blocks, shall petition the board of public works that the said street or that portion thereof upon which said lands front, be closed, the board may pass a resolution recommending that the same be closed. Before passing such resolution the board shall cause a notice of the application to be published in a newspaper, in said city, and shall fix a time and place at which it will consider the same and hear objections thereto. Upon such hearing it shall determine whether it will recommend that the street be closed; and if it shall so determine, it shall transmit such recommendation to the trustees. Thereupon the trustees may pass an ordinance that the street be closed; and the same shall not thereafter be, or be deemed to be, a public street, or subject to any public expense or improvement; and the land theretofore included within the roadway and sidewalks of said street shall thereafter be the property of the city. No such ordinance shall be passed until the petitioners shall have paid all the expenses of said proceedings.

Section 247.—The board shall annually invite proposals for cleaning and sprinkling such of the streets of the city as the board shall determine should be cleaned and sprinkled at the public expense. Before causing notice for such proposals to be published, the board shall divide the city into such number of districts as in its judgment will best induce competition for bids, and secure the cleaning and sprinkling of the streets at the lowest cost. The secretary of the board shall, under its direction, on the first Monday in May of each year, cause to be published for a period of ten days a notice inviting proposals for cleaning and sprinkling each of said districts specifying in said notice the streets of each district which are to be cleaned and sprinkled, the number of times a week that they are to be cleaned and sprinkled, and the amount of security to be given with each contract. Bids shall be made for each district separately. All the provisions of this charter, in relation to the making and opening of bids, awarding of contracts, and entering into and performance of contracts, shall be applicable to said contracts.

The board may, at the time it invites proposals for said cleaning and for said sprinkling, also invite proposals for said cleaning separately and for said sprinkling separately, and may award such contracts accordingly as may be for the best interest of the city.

The board may also, with the consent of the trustees expressed by ordinance, purchase one or more machines for sweeping the streets and may enter into contracts for sweeping the streets with said machines; but the board must give the preference to hand-sweeping so far as it can do so with reference to the proper sweeping of the streets and to the funds at its disposal.

And WHEREAS, The said proposed amendments to the charter of the City of Vallejo, so ratified as aforesaid and as hereinbefore set forth, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California,

STATE OF CALIFORNIA, } ss.
COUNTY OF SOLANO, CITY OF VALLEJO. }

This is to certify that we, J. J. Madigan, as mayor of the City of Vallejo in the County of Solano, State of California, and Joseph Cunningham, as city clerk of said City of Vallejo, have compared the foregoing proposed and ratified amendments to the charter of said City of Vallejo with Ordinance No. 353 above referred to, being the original ordinance setting forth and describing said proposed amendments to said charter, and also with Ordinance No. 361, likewise above referred to, calling and providing for aforesaid special election of February 5, 1907, and find that each of said proposed amendments as hereinbefore set forth is a full, true, correct and exact copy of its respective original as set forth in aforesaid Ordinances Nos. 353 and 361.

J. J. MADIGAN
As Mayor of the City of Vallejo.
[SEAL.]
J. F. CUNNINGHAM
As City Clerk of the City of Vallejo.

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), that the said amendments to the charter of the said City of Vallejo hereinbefore set forth as presented and submitted to and adopted and ratified by a majority of the qualified electors of said city voting thereon at the said special election held in said city on February 5, 1907 be, and the same are, hereby approved as a whole for and as amendments to the charter of the said City of Vallejo, County of Solano, State of California.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 20 adopted by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Smyth, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—56.

NOES—None.

Concurrent resolution ordered transmitted to the Senate.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of the following committee:

Committee on Conference on Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries

of Superior Judges—Messrs. Johnson of Sacramento, Campbell, and Sackett.

REPORTS OF STANDING COMMITTEES.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 748—An Act making an appropriation of $2,900 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Also: Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

Also: Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Also: Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for the patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Also: Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Also: Senate Bill No. 645—An Act making an appropriation of $4,000, to be expended by the Trustees of the State Normal School at Los Angeles for any assessments levied by the City of Los Angeles on the land of the State Normal School of Los Angeles, California, for pavements, sidewalks, curbs, gutters, and other improvements on Grand Avenue and Fifth Street, fronting on said property.

Also: Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Also: Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Also: Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 698—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 401*b*, relating to exits in buildings used for public assemblages—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be so amended and re-referred to the Committee on Public Health and Quarantine, with amendments.

Also: Have had under consideration Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to foreign corporations.

Also: Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2033 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

And respectfully report the same back, with amendments, and recommend that they do pass as amended.

Also: Have had under consideration Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others, upon real property.

Also: Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Also: Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure, and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Also: Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Also: Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public place of amusement for more than the original price thereof.

Also: Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599*f*, both relating to the killing of any elk within the State of California.

Also: Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Also: Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for the trial of contested election cases.

Also: Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Also: Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Also: Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto, to be known as Section 273*f* thereof, both relating to the protection of children under eighteen years of age.

And respectfully report the same back, and recommend that they do pass.

DREW, Chairman pro tem.

Assembly Bill No. 698 referred to Committee on Public Health and Quarantine.

The other above reported bills ordered on their respective files for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Have had under consideration Assembly Bill No. 687—An Act to pay the claim of Herman Steinman against the State of California.

Also: Assembly Bill No. 683—An Act to pay the claim of C. S. MacMullan.

And respectfully report the same back, and recommend that they do not pass.

CULLEN, Chairman.

The above reported bills referred to Committee on Ways and Means.

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Assembly Joint Resolution No. 7—Relative to the mining interests of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CONSIDERATION OF JOINT RESOLUTION.

On motion of Mr. Root, the Assembly proceeded to consider Assembly Joint Resolution No. 7.

ASSEMBLY JOINT RESOLUTION NO. 7.

Relative to the mining interests of the State of California.

WHEREAS, Mining is one of the paramount industries of California in which large amounts of capital are invested; in which a very large portion of the people are interested; which opens very large opportunities for high priced and well paid labor, creates and sustains enormous manufacturing, trading, and other business interests; and

WHEREAS, There are great areas of the State still unworked, and which will if worked yield great values in gold, create great demand for labor at extremely remunerative wages; maintain a large population, and cause greatly increased and continued activity in manufactures, trading and business of all kind, and contribute very greatly to the general welfare of the entire people of the State; and

WHEREAS, Under the decisions of courts, alleged injury to the rights of others, the business of mining has been greatly hampered to the great injury to the people of the mining localities specially and the people of the State generally; and

WHEREAS, It is in the power of the United States government to devise ways and means whereby mining can be rehabilitated; therefore, be it

Resolved, by the Senate and Assembly of the State of California, jointly, That Congress be requested to enact such legislation and devise such ways and means as will allow unrestricted prosecution of mining without injury to private or public interests.

Resolved, That a committee of three persons to be selected by the mining interests of California, approved by the Governor of the State, be authorized to proceed to the Congress and urge such legislation as will effectuate the object of the resolution, *provided*, that the State of California shall in no wise be responsible, nor pay any expense whatever incurred by such committee; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he is hereby requested to mail a copy of this resolution to each of our Senators and Representatives in Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 7 adopted by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Cogswell, Collister, Cornish, Costar, Cullen, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans. Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McMullin, O'Brien, Percival, Pyle, Sackett, Smith, Snyder, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—46.

NOES—None.

Joint resolution ordered transmitted to the Senate.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes—have had the same under consideration and respectfully report the same back, and recommend that it do not pass.

CAMPBELL, Chairman.

Senate Bill No. 263 ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 932—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1534, establishing the method of determining the average daily attendance of each common school district, of each high school of each county, of each city and county, and of the State of California, and defining the words "average daily attendance," as used in this code.

Also: Senate Bill No. 602—An Act to amend the Penal Code by adding thereto a new section, to be numbered 367*b*, to provide against the offense of hazing.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Have had under consideration Assembly Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to power of county boards of education.

Also: Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.

And respectfully report the same back, with amendments, and recommend that the same do pass as amended.

SACKETT, Chairman.

The above reported bills ordered on their respective files for second reading.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LYNCH, Chairman.

Senate Bill No. 628 ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Transue:

Resolved, That the State Controller be, and he is hereby directed to draw his warrant in favor of J. C. Schaden, President Red Men's Hall Association, for the sum of one thousand dollars ($1,000) out of the contingent fund of the Assembly, and the Treasurer is hereby directed to pay the same; being in payment of the Assembly's portion—one half—of rental for the month of February, 1907, bill for same hereto attached.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—59.

NOES—None.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Conference concerning Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California, an amendment to Section 2½ of Article II of the Constitution, relating to primary elections—report that we have met a like committee of the Senate, consisting of Senators Wright, Leavitt, and Walker, and we report that the Conference Committee failed to agree, and your Committee on Conference respectfully asks that a Committee on Free Conference be appointed, three thereof to be appointed by the Speaker of the Assembly to meet with three members thereof to be appointed by the President of the Senate.

HELD,
Chairman of Committee on Conference of the Assembly.

Report read and, on motion, adopted.

The Committee on Conference was thereupon discharged.

RESOLUTION.

The following resolution was offered:
By Mr. Held:

WHEREAS, On January 29, 1907, the Assembly adopted Assembly Constitutional Amendment No. 3; and

WHEREAS, Said Assembly Constitutional Amendment No. 3 was amended in the Senate and by the Senate adopted on February 7, 1907, as amended; and

WHEREAS, The Assembly on February 11, 1907, did refuse to concur in the said Senate amendment to Assembly Constitutional Amendment No. 3; and

WHEREAS, On the 21st day of February, 1907, three members of a committee on conference, concerning said Assembly Constitutional Amendment No. 3, were appointed by the Speaker of the Assembly to meet with three members of said committee to be appointed by the President of the Senate; and

WHEREAS, Said committee on conference duly met and have reported to the respective houses of this Legislature that they have failed to agree, and have asked the appointment of a Free Conference Committee in said matter; now, therefore, be it

Resolved, and it is hereby resolved, That three members of a Committee on Free Conference be appointed by the Speaker of the Assembly to meet with three members of said committee to be appointed by the President of the Senate, and that said Committee on Free Conference report to both the Senate and Assembly, and said Committee on Free Conference is hereby empowered to suggest in their report any new amendments which they may adopt as a committee.

Resolution read and, on motion, adopted.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker appointed as the Assembly Committee on Free Conference on Assembly Constitutional Amendment No. 3, Messrs. Held, Johnson of Sacramento, and Stetson.

LEAVE OF ABSENCE.

On motion of Mr. Fisher, a leave of absence for the day was granted Mr. Boyle.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 21, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California, and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment.

Also: Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered Section 7½.

Also: Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Also: Passed as a case of urgency Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code" approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Also: Adopted Senate Concurrent Resolution No. 13—Approving an amendment to the Charter of the City of San José, a municipal corporation in the county of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the first day of August, 1906.

Also: Concurred in Assembly Amendments Nos. 2 and 3 to Senate Bill No. 7; and refused to concur in Assembly Amendment No. 1 to Senate Bill No. 7—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety or description and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced—and return the same herewith and respectfully request your honorable body to recede from said Amendment No. 1.

Also: Concurred in Assembly amendments to Senate Bill No. 28—An Act to amend Section 10 of an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, relating to deposits in bonds or mortgages accompanied by a certificate of title or abstract of title.

Also: Concurred in Assembly amendments to Senate Bill No. 528—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1681, relating to post-graduate courses of study in high schools.

Also: Concurred in Assembly amendments to Senate Bill No. 527—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered Section 1779, relating to grammar grade post-graduate course of study in the public schools.

Also: Concurred in Assembly amendments to Senate Bill No. 455—An Act to probibit adulteration and deception in the sale of dairy products, defining adulteration in dairy products, to establish standards of quality in dairy products, and to provide for enforcing its provisions.

Also: Ordered that Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants—be returned to you, as per request.

Also: Refused to recede from its amendment to Assembly Constitutional Amendment No. 3—Relative to primary elections—and that the following named Senators have been named as a conference committee to meet a like committee from the Assembly on said Assembly Constitutional Amendment No. 3: Senators Wright, Leavitt, and Walker.

Also: That the Senate amended and on this day passed as amended the following:

Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

Also: Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

Also: Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Also: Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Also: Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

And respectfully request your honorable body to concur in the amendments.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from Senate Amendment No. 5, to Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges—and has appointed as a conference committee to meet a like committee from the Assembly to consider said amendment, Senators Belshaw, Nelson, and Savage.

Also: Adopted Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State from local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Article XIII and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bills Nos. 586, 306, 439, and 256 ordered to enrollment.

Senate Concurrent Resolution No. 13 referred to Committee on Municipal Corporations.

ASSEMBLY RECEDES.

Mr. Transue moved that in compliance with the request from the Senate, the Assembly now recede from the following amendment to Senate Bill No. 7, adopted on February 13, 1907.

ASSEMBLY AMENDMENT

Amend Section 1, line 4, by inserting after the word "representing," " with intent to deceive."

Motion carried, and the Speaker directed the Chief Clerk to notify the Senate that the Assembly had receded from Amendment No. 1 to Senate Bill No. 7.

Senate Bill No. 7 ordered transmitted to the Senate.

Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 460?"

SENATE AMENDMENT.

Amend by striking out of Section 1, line 44, of printed bill, the word "twenty" and inserting in lieu thereof the following: "thirty."

The roll was called, and Senate amendment to Assembly Bill No. 460 was concurred in by the following vote:

AYES—Messrs. Barry, Beban, Birdsall, Bishop, Bush, Case, Cogswell, Coghlan, Cornish, Costar, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—52.
NOES—None.

Assembly Bill No. 460 ordered to reëngrossment and enrollment.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of committee was received and read:

MR. SPEAKER: Your Committee on Conference on Assembly Bill No. 11—An Act entitled "An Act to amend Section 737 of the Political Code relating to salaries of Superior Judges—reports that we met with a Committee on Conference from the Senate and after discussion the two committees unanimously recommend that the Assembly concur in the amendment to said bill heretofore refused concurrence by the Assembly.

JOHNSON of Sacramento.
SACKETT.
CAMPBELL.

Report adopted.

Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 402?"

SENATE AMENDMENTS.

On line 4, page 1 of the printed bill, strike out the word "section."
Also: On line 5 of the printed bill, strike out the words "four and eighteen" and insert in lieu thereof the words "five and seventeen."

The roll was called, and Senate amendments to Assembly Bill No. 402 were concurred in by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McConnell, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smyth, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—54.
NOES—None.

Assembly Bill No. 402 ordered to reëngrossment and enrollment.

Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 11?"

SENATE AMENDMENT.

On page 1, Section 1, line 5, insert after the word "Alameda," the words "Contra Costa."

The roll was called, and Senate amendment to Assembly Bill No. 11 was concurred in by the following vote:

AYES—Messrs. Barry, Beban, Birdsall, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—57.
NOES—None.

Assembly Bill No. 11 ordered to reëngrossment and enrollment.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 541?"

SENATE AMENDMENTS.

On page 1, Section 1, line 4, strike out the word "Section."
Also: On page 1, Section 1, line 4, strike out the ":" after the figures "2029."
Also: On page 1, Section 1, line 4, strike out the words "When notice may be dispensed with."
Also: On page 1, Section 1, lines 1 and 3, strike out the parenthesis before the word "Section," on line 1, and after the word "follows," on line 3.

The roll was called, and Senate amendments to Assembly Bill No. 541 were concurred in by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Devlin, Drew, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, and Mr. Speaker—52.
NOES—None.

Assembly Bill No. 541 ordered to reëngrossment and enrollment.

Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 5?"

SENATE AMENDMENTS.

On page 1, Section 1, line 4, strike out the word "Section."
Also: On page 1, Section 1, line 4, strike out the ":" after the figures "2029."
Also: On page 1, Section 1, line 4, strike out the words "when notice may be dispensed with."
Also: On page 1, Section 1, lines 1 and 3, strike out the parenthesis before the word "Section," on line 1, and after the word "follows," on line 3.

The roll was called, and Senate amendments to Assembly Bill No. 5 were concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Bush, Campbell, Case, Cornish, Costar, Cutten, Davis, Devlin, Forbes, Fratessa, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—49.
NOES—None.

Assembly Bill No. 5 ordered to reëngrossment and enrollment.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 462?"

SENATE AMENDMENTS.

On page 1, Section 1, line 5, strike out the word "seven" before the word "dollars," and insert in lieu thereof the following: "eight."

Also: On page 1, Section 1, line 6, strike out the words "four and eighteen," and insert in lieu thereof the following: "five and seventeen."

The roll was called, and Senate amendments to Assembly Bill No. 462 were concurred in by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Birdsall, Bishop, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Forbes, Hammon, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—None.

Assembly Bill No. 462 ordered to reëngrossment and enrollment.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT.

Mr. Devlin moved that Senate Constitutional Amendment No. 1 be taken up without further reference, as Senate Constitutional Amendment No. 1 is identical with Assembly Constitutional Amendment No. 9 heretofore favorably reported by Committee on Revenue and Taxation.

Motion carried.

SENATE CONSTITUTIONAL AMENDMENT NO. 1.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Sections 1, 9, 10, and 11 of Article XIII, and adding to Article XIII two new sections, to be numbered Sections 14 and 15, and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

WHEREAS, It is deemed desirable to ultimately separate the sources of revenue for State purposes from the sources of revenue for county and municipal purposes; now, therefore,

The Legislature of the State of California, at its regular session, commencing the seventh day of January, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California:

First. Sections 1, 9, 10 and 11 of Article XIII are hereby amended so as to read:

SECTION 1. All property in the State except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in the year eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand nine hundred and ten, and at each gubernatorial election thereafter, whose term of office shall be for four

years. The Controller of State shall be ex officio a member of the board. Said board shall be the successor of the present State Board of Equalization whose members shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the election of members of said board of equalization. It shall the duty of said board to assess and levy the taxes provided for in Section 14 of this article and to perform such other duties in relation to taxation as this Constitution or the Legislature may prescribe. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purposes of taxation. Such county boards of equalization are hereby authorized and empowered, under such rules of notice as they may prescribe, to raise or lower any assessment contained in the assessment roll so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll. But no board of equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credit, above its face value.

SEC. 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law.

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, except those provided for in subdivisions (*a*), (*b*) and (*c*) of Section 14 of this article, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

Second. There is hereby added to Article XIII two new sections to be numbered 14 and 15 and to read as follows:

SEC. 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawing-room car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this State; every company doing express business on any railroad, steamboat, vessel or stage line in this State; telegraph companies, telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies, banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint-stock associations, companies, and corporations. All property, not exempt from taxation, except those classes of property enumerated in this section, shall be subject to assessment and taxation, in the manner provided by law, for county, city and county, city, town, township, and district purposes. *Provided*, that until the year 1914 the State shall reimburse San Bernardino, Placer, and Yuba counties for the net loss in county revenues occasioned by the withdrawal of railroad property from county taxation.

(*a*) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing-room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property used in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State. Such taxes shall be in lieu of all other taxes and licenses, State, county, and municipal, upon the property above enumerated of such companies; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by the municipal authorities of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawing-room car, palace car companies, refrigerator, oil, stock, fruit and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one-half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent.

(*b*) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of such companies, except county and municipal taxes on real estate; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other state or country doing business in this State.

(*c*) The shares of the capital stock of all banks, organized under the laws of this State, or of the United States, or of any other state and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except taxes on real estate. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said board of equalization, in the manner to be provided by law, and taxed at the same rate that is levied upon the shares of stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business together with all the reserve, surplus and undivided profits, including the good will of the business, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of the banks and bankers mentioned in this paragraph, except taxes on real estate. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which would go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies.

(*d*) Every corporation incorporated under the laws of this State, excepting the corporations mentioned in the preceding subdivisions of this section, and excepting all educational, religious and charitable corporations and all corporations which are not organized for pecuniary profit, shall pay an annual tax to the State upon its franchise to be a corporation, and every corporation incorporated elsewhere and doing business in this State, other than the corporations mentioned in the preceding subdivisions of this section, shall pay an annual tax to the State upon its right to do business in this State, as follows: when the authorized capital stock of the corporation does not exceed ten thousand dollars ($10,000) the tax shall be ten dollars ($10.00); when the authorized capital stock exceeds ten thousand dollars ($10,000) but does not exceed twenty thousand ($20,000) the tax shall be

fifteen dollars ($15.00); when the authorized capital stock exceeds twenty thousand dollars ($20,000) but does not exceed fifty thousand dollars ($50,000) the tax shall be twenty dollars ($20.00); when the authorized capital stock exceeds fifty thousand dollars ($50,000) but does not exceed one hundred thousand dollars ($100,000) the tax shall be twenty-five dollars ($25.00); when the authorized capital stock exceeds one hundred thousand dollars ($100,000) but does not exceed two hundred and fifty thousand dollars ($250,000) the tax shall be fifty dollars ($50.00); when the authorized capital stock exceeds two hundred and fifty thousand dollars ($250,000) but does not exceed five hundred thousand dollars ($500,000) the tax shall be seventy-five dollars ($75.00); when the authorized capital stock exceeds five hundred thousand dollars ($500,000) but does not exceed two million dollars ($2,000,000) the tax shall be one hundred dollars ($100.00); when the authorized capital stock exceeds two million dollars ($2,000,000) but does not exceed five million dollars ($5,000,000) the tax shall be two hundred dollars ($200.00); when the authorized capital stock exceeds five million dollars ($5,000,000) the tax shall be two hundred and fifty dollars ($250.00).

(*e*) All franchises, other than those expressly provided for in this section, shall be assessed by the State Board of Equalization at their actual value, and shall be taxed at the rate of one per centum thereon each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(*f*) All the provisions of this section shall be self-executing, but the Legislature may pass all laws necessary to carry this section into effect. The taxes herein provided for shall be levied and assessed on the first Monday in March of each year after the adoption of this amendment and shall become due and payable on the first Monday in June thereafter. The gross earnings and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the date of said levy. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature.

SEC. 15. No suit, action, or proceeding shall ever be maintained in any court against this State, or against any officer thereof, to have any tax, levied under the provisions of this article, declared invalid or to prevent or enjoin the collection thereof until such tax has been actually paid; but after such payment, action may be maintained to recover any tax illegally collected in such manner and within such time as may now or hereafter be provided by law.

Third. Section 10 of Article XI of said Constitution is hereby repealed.

Senate Constitutional Amendment No. 1 read.

SELECT COMMITTEE AMENDMENT.

Mr. Sackett moved that a select committee of one be appointed to amend Senate Constitutional Amendment No. 1 as follows:

On line 25, fourth page of printed bill, after the word "Yuba," insert the word "Ventura."

Motion to appoint lost.

The question being on the adoption of Senate Constitutional Amendment No. 1.

The roll was called, and Senate Constitutional Amendment No. 1 was adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wesling, Whitmore, Wilson, and Mr. Speaker—66.

NOES—Mr. Cornish—1.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 1 was this day adopted.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Lucas: Assembly Bill No. 968 —An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sackett: Assembly Bill No. 969—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as Section 9*a*, relating to appointment of pound-keepers outside of incorporated cities.

Bill read first time, and referred to Committee on Judiciary.

By Mr Cornish: Assembly Bill No. 970—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Chandler: Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Cogswell: Assembly Bill No. 972—An Act appropriating money to pay expenses of improving Agricultural Park, in the City of Los Angeles, and to erect a building or buildings on said Agricultural Park property, for the purpose of holding a citrus fruit exposition in the year 1913.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Johnson of Sacramento: Assembly Bill No. 973—An Act to amend Section 842 of the Code of Civil Procedure of the State of California, prescribing who may practice in the justices' courts of this State.

Bill read first time, and referred to Committee on Judiciary.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Transue:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of five hundred and seventy-six dollars and seventy-six ($576.76) one-hundredths in favor of Hugh Braunton, same being for the payment of the following bills attached.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

By Mr. Hammon:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of sixty-eight ($68) dollars in favor of Globe Transfer, Van & Storage Co., same being for the payment of the following bill attached.

Resolution read and referred to Committee on Contingent Expenses and Accounts.

By Mr. Drew:

Resolved, That hereafter all Senate amendments to Assembly bills returned to this House shall be printed in the Journal, and said amendments shall not be considered upon the day reported except in cases of urgency, which may be done by and with the unanimous consent of this House.

Resolution read, and referred to Committee on Rules and Regulations.

SPECIAL ORDER RESET.

On motion of Mr. McMullin, Assembly Bill No. 206—An Act compelling railroads doing business in this State as common carriers of passengers and freight to keep, operate and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to keep, operate, and maintain warehouses for the purpose of receiving and discharging freight, in any municipal corporation, incorporated city, or city and county, or incorporated town traversed by the tracks or road of any railroad; also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act—was reset as a special order for eleven o'clock A. M. of Tuesday, February 26, 1907.

MOTIONS TO RECONSIDER.

Mr. Snyder moved to reconsider the vote whereby Assembly Bill No. 37—An Act recommending to the electors of the State to vote for or against a convention to revise the Constitution of the State of California—was refused passage on yesterday.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Drew, Estudillo, Fisher, Forbes, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, and Mr. Speaker—56.

NOES—None.

The question recurring on the passage of the bill.

The roll was called, and Assembly Bill No. 37 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—63.

NOES—Mr. Cogswell—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Kohlman moved that the vote whereby Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers—was on yesterday passed, be now reconsidered.

Motion seconded.

SPECIAL ORDER SET.

Mr. Coghlan moved that further consideration of Assembly Bill No. 794 be made a special order for eleven o'clock A. M. of Tuesday, February 26, 1907.

The roll was demanded.

The roll was called, and the motion prevailed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Campbell, Coghlan, Cullen, Estudillo, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Toomey, Vogel, Whitmore, Wilson, and Mr. Speaker—43.

NOES—Messrs. Case, Chandler, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Forbes, Hans, John, Leeds, Lucas, Lynch, McConnell, McKeon, Percival, Stetson, Thompson of Los Angeles, and Transue—21.

Mr. Devlin moved that the vote whereby Assembly Bill No. 584—An Act to confer further powers upon the Board of Railroad Commissioners—was on yesterday passed, be reconsidered.

The roll was called, and the Assembly refused to reconsider by the following vote:

AYES—Messrs. Birdsall, Bishop, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Held, Hewitt, John, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Snyder, Stetson, Strobridge, Thompson of Los Angeles, Weske, and Whitmore—30.

NOES—Messrs. Barry, Baxter, Beban, Berry, Bush, Campbell, Coghlan, Cornish, Cullen, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Wessling, Wilson, and Mr. Speaker—37.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered (unanimous consent having been obtained for its reception):

By Mr. Thompson of San Francisco:

Resolved, That the name of Agnes Purnell be substituted for that of Charles Stone as stenographer, at a per diem of $5, on the roll of attachés of the Assembly, and that the name of Charles Stone be dropped from the roll.

Resolution read and adopted.

THIRD READING OF SENATE BILLS.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read third time, and passed on file for further consideration.

Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 153 finally passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bush, Campbell, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, and Mr. Speaker—51.

NOES—Messrs. Case, Cogswell, and McMullin—3.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Free Conference, concerning Assembly Constitutional Amendment No. 3—Relative to direct nomination of candidates for public office—report that we have met a like committee of the Senate, consisting of Senators Wright, Leavitt, and Walker, and we report that the Committee on Free Conference have agreed to recommend the following: That Constitutional Amendment No 3, relating to direct primaries as amended by the Senate February 7, 1907, be amended by striking out the word "also," on line 3, Section 2½ of the proposed constitutional amendment, and inserting in lieu thereof the following: "the Legislature shall enact," and when so amended the said constitutional amendment be adopted.

HELD,
Chairman of Committee on Free Conference of the Assembly.

Mr. Held moved the adoption of the report, and the adoption of the amendment as proposed by and contained in the report of Committee on Free Conference, just read.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 3,

(As amended by Senate and Committee on Free Conference.)

Resolution to amend Section 2½ of Article 2 of the Constitution.

The Legislature of the State of California, at its thirty-seventh session, commencing on the 7th day of January, nineteen hundred and seven, two-thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that Section 2½ of Article 2 of the Constitution of the State of California, be amended so as to read as follows:

Section 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision.

The roll was called, and Assembly Constitutional Amendment No. 3, as amended, adopted by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, and Mr. Speaker—57.

NOES—Mr. Drew—1.

The Chief Clerk was directed to notify the Senate of the action of the Assembly on Assembly Constitutional Amendment No. 3.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 223 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Higgins, John, Johnson of San Deigo, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullen, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, and Mr. Speaker—49.

NOES—Mr. Case—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 494—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 494 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cutten, Devlin, Drew, Estudillo, Fisher, Fratessa, Hans, Hartmann, Held, Higgins, John, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Whitmore, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 163—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 163 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, Johnson of San Diego, Jury, Kelly, Lucas, Ludington, Lynch,

McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Whitmore, and Mr. Speaker—44.

NOES—Messrs. Chandler and Drew—2.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals.

Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code, and to add three new sections thereto, to be numbered 608*a*, 608*b*, and 608*c*, all relating to the burning, injuring, or setting adrift rafts or vessels.

Assembly Bill No. 531—An Act to regulate traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Assembly Bill No. 634—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Assembly Bill No. 841—An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Assembly Bill No. 770—An Act to amend Section 987 of the Penal Code.

Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532*a*, determining the meaning of the words "average daily attendance," in relation to the apportionment of the State school fund.

Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671*a*, relating to the issue of bonds for the support of county high schools.

Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Assembly Bill No. 858—An Act to repeal an Act entitled "An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County," approved March 18, 1905.

Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

Assembly Bill No. 704—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Assembly Bill No. 71—An Act to amend Sections 801 and 802 of the Penal Code of the State of California, relating to the time of commencing criminal actions.

Assembly Bill No. 677—An Act to amend Section 1249 of the Penal Code, relating to punishment of libel.

Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code, and to add a new section to said Code, to be numbered Section 590*a*, relating to the removal, injury, destruction, breaking or defacing of mile boards, posts, or stones, or guide posts on or near highways; to the punishment thereof and to the disposition of fines collected therefor.

Assembly Bill No. 682—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Assembly Bill No. 680—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Assembly Bill No. 679—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.

Assembly Bill No 681—An Act to add new section to the Political Code of the State of California. to be known as Section 2644*a*, relating to the oath and bond of road overseers.

Assembly Bill No. 678—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.

Assembly Bill No. 864—An Act to amend the Political Code, by adding a new section thereto, to be numbered 1115*a*, requiring the county clerks, and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Assembly Bill No. 865—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Assembly Bill No. 524—An Act to add a new section to the Penal Code, to be known as Section 393*a*, to provide for the giving of notice of accidents occurring on any railroad in California.

Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered Section 1271*a*, relating to the subject of escheated estates.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

The above reported reëngrossed bills were ordered on file for passage.

WITHDRAWAL OF BILL.

Mr. McMullin asked for and was granted unanimous consent to withdraw Assembly Bill No. 764—An Act to regulate the practice of horseshoeing—it being identical with Senate Bill No. 540, now in this House.

Assembly Bill No. 764 withdrawn and ordered stricken from the file, and Senate Bill No. 540 substituted therefor on file.

Senate Bill No. 540—An Act to regulate the practice of shoeing horses and mules, and other animals, in the State of California, and to require all farriers to pass an examination as to their proficiency on the following subjects: anatomy of the feet of horses and mules, the making and fitting of shoes to the feet of horses and mules, in preparing the feet of horses and mules for shoes, and putting shoes on horses and mules, in driving nails in the feet of horses and mules, and in doing such other things as will advance the science of shoeing horses and mules to the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 597—An Act to create a reclamation district to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

During the third reading of the bill, Mr. O'Brien moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend amended Assembly Bill No. 597, Section 1, line 4, printed bill, by striking out therefrom all contained in brackets in said line consisting of [east bank of the].

Also: By striking out from line 5, same section, all contained in brackets in said line consisting of [north bank].

Also: By striking out from line 6, same section, the words occurring after the word "the" where it first occurs in said line, consisting of "east bank of the."

Also: By striking out from line 8, same section, all after the word "the," where it occurs the second time in said line, to the word "Feather," consisting of "east bank of the."

Also: By striking out from line 9, same section, after the word "the," where it first occurs in said line, the words "east bank of the."

Also: By striking out of line 10, same section, page 2, the word "[south]" after the word "the," where it occurs the second time in said line.

Also: By striking out of line 11, same section, the first words "[bank of]" in said line and after the word "along" the words where they occur in brackets [said south bank].

Also: By striking out of line 12, same section, the first word "of" in said line.

Also: By striking out of line 13, same section, the words "[south bank of]" where they occur in said line before the word "Bear" and the words "[the south]" after the word "intersects," where it occurs in said line.

Also: By striking out of line 14, same section, the first words "bank of," in said line.

Also: By striking out of line 15, same section, the words "south bank of the," where they occur in said line.

Also: By striking out all of same section, same page, from and including line 16, from the word "intersects," where it occurs in said line after the word "it," down to and including line 40, to the word "thence," in said line, and substitute therefor the following: "a north and south line two hundred feet easterly from and parallel to the north and south quarter section line running through the center of section twenty-two in Tp. 13 N. R. 4 E.; thence south along said parallel line to the south line of said section twenty-two; thence west along section lines to the quarter section corner on the north line of section twenty-eight, Tp. 13 N. R. 4 E.; thence south along the quarter section line one mile to the quarter section corner on the south line of section twenty-eight; thence west one half mile to the southwest corner of section twenty-eight; thence south along section line two and one half miles to the quarter section corner on the west line of section nine, Tp. 12 N. R. 4 E.; thence east one half mile to the center of section nine; thence south along quarter section lines five and one half miles to the quarter section corner on the south line of section four, Tp. 11 N. R. 4 E.; thence east along section lines one and one half miles to the southeast corner of section three, Tp. 11 N. R. 4 E; thence south three miles to the northwest corner of section twenty-six, Tp. 11 N. R. 4 E.; thence east one half mile to the quarter section corner on the north line of said section twenty-six; thence south along the quarter section line one mile to the quarter section corner on the south line of section twenty-six; thence east one half mile to the southeast corner of said section twenty-six; thence south one mile to the southeast corner of section thirty-five, Tp. 11 N. R. 4 E; thence east along the north line of section one, Tp. 10 N. R. 4 E., to the northeast corner of said township; thence south along the range line six miles more or less to the northwest corner of township nine north of range five east; thence east along the township line to the quarter section corner on the north line of section five, Tp. 9 N. R. 5 E.

Motion carried.

The Speaker appointed Mr. O'Brien as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 597, with instructions, do now report that the instructions of the Assembly have been carried out.

O'BRIEN, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 52 finally passed by the following vote:

AYES—Messrs. Berry, Birdsall, Campbell, Chandler, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hans, Hartmann, Held, Higgins, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—43.

NOES—Messrs. Bell, Hammon, and Johnson of Sacramento—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 570—An Act to amend Section 12 of an Act entitled "An Act creating a State commission on voting or ballot machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 570 finally passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bush, Campbell, Case, Cogswell, Coghlan, Cornish, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Higgins, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—46.

NOES—Messrs. Bell and Johnson of Sacramento—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 47—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885, approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bush, Campbell, Case, Cogswell, Coghlan, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 106 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bush, Campbell, Case, Cogswell, Coghlan, Cornish, Cutten, Davis, Devlin, Forbes, Fratessa, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 519—An Act providing for an appropriation of one thousand five hundred dollars ($1,500) for the purpose of improving the grounds of Sutter's Fort.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 519 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bush, Campbell, Cogswell, Coghlan, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Vogel, Weske, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3692, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to repeal Section 3701 of the Political Code, as it now exists, and to reënact said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Transue moved a call of the House.

Motion carried.

Time, three o'clock and twenty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Berry, Birdsall, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—48.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Spaulding, Estudillo, and Bell were brought before the bar of the House, and, on motion, were excused for their absence from Chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and forty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called.

Whereupon the Speaker announced that Senate Bill No. 27 was passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury,

Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 107 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Jury, Kelly, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 84—An Act authorizing the Governor to set apart one day each year to be designated "Bird and Arbor Day," and to request its observance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 84 finally passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Ludington, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 193—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 193 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 194 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—48.

NOES—Mr. Cutten—1.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 132 refused passage by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bush, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Drew, Estudillo, Forbes, Hans, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, and Mr. Speaker—39.

NOES—Messrs. Devlin, Hartmann, John, Johnson of Sacramento, Kelly, Lynch, Otis, Vogel, and Whitmore—9.

Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement, or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 438 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, and Mr. Speaker—46.

NOES—Messrs. Lynch, O'Brien, and Vogel—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 350 passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—45.

NOES—Mr. Coghlan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 560—An Act to provide for the joint investigation with the Federal Government of the water resources of the State and to make an appropriation for the expenses of such investigation.

WITHDRAWAL OF BILL.

Mr. Drew asked for and was granted unanimous consent to withdraw Assembly Bill No. 560, it being identical with Senate Bill No. 58, now in this House.

Assembly Bill No. 560 withdrawn and ordered stricken from the file, and Senate Bill No. 58 substituted therefor on file.

Assembly Bill No. 204—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 204 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bush, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Drew, Forbes, Hans, Held, Hewitt, Higgins, John, Johnson of San Diego, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, and Whitmore—42.

NOES—Messrs. Devlin, Estudillo, Hartmann, Johnson of Sacramento, Lemon, Root, and Strobridge—7.

Title read and approved.

Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 785 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bush, Campbell, Case, Cogswell, Collister, Cornish, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—48.

NOES—Mr. Chandler—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 841—An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds, and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge

of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 841 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Collister, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Held, Higgins, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, and Mr. Speaker—43.

NOES—Messrs. Baxter, Coghlan, Cornish, Hartmann, Hewitt, John, Johnson of Sacramento, Jury, Kelly, McGuire, and Weske—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 680—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 680 was refused passage by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Bush, Case, Chandler, Coghlan, Collister, Cornish, Drew, Hammon, Hewitt, John, Johnson of San Diego, Jury, Kelly, Leeds, Ludington, Lynch, O'Brien, Pierce, Root, Spaulding, Stanton, Stetson, Transue, Vogel, Walsh, Whitmore, and Mr. Speaker—32.

NOES—Messrs. Cogswell, Devlin, Estudillo, Forbes, Held, Higgins, Johnson of Sacramento, Lemon, Lucas, McConnell, McKeon, Otis, Pyle, Strobridge, Thompson of Los Angeles, and Weske—16.

RE-REFERENCE OF BILLS.

On motion of Mr. Drew, Senate Bill No. 58 was re-referred to Committee on Federal Relations, retaining its place on file.

NOTICES OF MOTIONS TO RECONSIDER.

Mr. Devlin gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 680 was this day refused passage.

Mr. Baxter gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 204 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 672 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Bush, Case, Chandler, Cogswell, Collister, Cornish, Cutten, Devlin, Drew, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, Percival, Pierce, Pyle, Root, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, relating to the practice of pharmacy and providing a penalty for the violation thereof and for the appointment of a board to be known as the California State Board of Pharmacy.

During the third reading of the bill, Mr. Hartmann moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out on page 9, lines 1, 2, 3, 4, 5, 6, and 7 of the printed bill.

Motion carried.

The Speaker appointed Mr. Hartmann as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 433, with instructions, do now report that the instructions of the Assembly have been carried out.

HARTMANN, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Senate Bill No. 401—An Act providing for the extermination of the Boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions.

During the third reading of the bill, Mr. Strobridge moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

Amend Section 1 by striking out the period and inserting a comma after the word "misdemeanor," in line 5, Section 1 of the printed bill, and adding the following:

"*Provided, however*, that the moving or handling of cattle when same are to be immediately slaughtered shall not be deemed to be a willful or intentional exposing of such cattle as referred to in this section."

AMENDMENT No. 2.

Amend by striking out all of Section 10 after the figure "10," in line 1, Section 10, and add the following:

"Whenever the State Veterinarian or his duly authorized deputy is satisfied that any cattle are in process of fattening, and that such cattle will be ready for slaughter within a period of one hundred and twenty days, he shall exempt such cattle from dipping, as provided in this Act."

Motion carried.

The Speaker appointed Mr. Strobridge as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 401, with instructions, do now report that the instructions of the Assembly have been carried out.

STROBRIDGE, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman.

Senate Bill No. 58 ordered on file for second reading.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 490—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto four new sections, to be numbered 637*b*, 637*c*, 637*d*, and 637*e*, all relating to protection of wild birds, other than game birds, and their nests and eggs—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

CORNISH, Chairman.

Assembly Bill No. 490 ordered on file for second reading.

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 871—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the erection and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

McGUIRE, Chairman.

Assembly Bill No. 871 ordered on file for second reading.

ADJOURNMENT.

Mr. Transue moved that the Assembly adjourn until eight o'clock A. M. of Saturday, February 23, 1907.

Mr. Johnson of Sacramento moved to amend by making the time nine o'clock and thirty minutes A. M.

Amendment adopted.

Motion as amended carried.

Thereupon the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Saturday, February 23, 1907.

WASHINGTON'S BIRTHDAY CELEBRATION.

IN ASSEMBLY CHAMBER,
SACRAMENTO, Friday, February 22, 1907.

At eight o'clock P. M. members of the Senate and Assembly, with their families and friends, occupied the Assembly Chamber for the purpose of observing the anniversary of the birthday of George Washington, first President of the United States, in conformity with the provisions of Assembly Concurrent Resolution No. 17, and the order of exercises as arranged by the "Joint Committee of Senators and Assemblymen on Washington's Birthday Celebration," previously appointed by Hon. Warren R. Porter, Lieutenant-Governor and President of the Senate, and Hon. Robert L. Beardslee, Speaker of the Assembly.

The celebration was featured as follows, each number being punctuated by much appreciative applause:

ORDER OF EXERCISES.

1. Piano selection, "American Flag"—MISS NELLIE DAROUX.
2. Introductory—HON. R. L. BEARDSLEE, Speaker of the Assembly.
3. Chairman of the evening
   LIEUT.-GOV. WARREN R. PORTER, President of the Senate.
4. Invocation—REV. P. H. WILLIS, Chaplain of the Assembly.
5. Hymn, "Speed Our Republic"—*Keller*—Double Quartet.
6. Greetings to the Governor—HON. C. M. BELSHAW.
7. "Our Country"—GOVERNOR JAMES N. GILLETT.
8. Soprano solo, "Dixie Land"—MRS. J. A. MOYNIHAN.
9. "Washington, the Great Exemplar"—HON. LEROY A. WRIGHT.
10. "Washington, the Soldier"—HON. CLYDE BISHOP.
11. Song, "Forget-Me-Not"—Ladies' Quartet.
12. "Washington, the Citizen"—HON. J. O. DAVIS.
13. "America"—Double Quartet.

My country! 'tis of thee,
Sweet land of liberty,
Of thee I sing;
Land where my fathers died,
Land of the pilgrims' pride,
From ev'ry mountain side,
Let freedom ring.

Our fathers' God! to Thee,
Author of liberty,
To Thee we sing;
Long may our land be bright
With freedom's holy light;
Protect us by Thy might,
Great God, our King!

14. Benediction—REV. C. H. DARLING, Chaplain of the Senate.
15. Piano Selection—"George Washington's Way."

C. M. BELSHAW,
W. H. SAVAGE,
G. W. CARTWRIGHT,
A. M. DREW,
CLYDE BISHOP,
J. I. MCCONNELL,
Joint Legislative Committee on Arrangements.

J. STEPPACHER, Secretary.

At nine o'clock and forty-five minutes P. M. the assemblage dispersed, after the rendition on the piano of "George Washington's Way" by Miss Nellie Daroux.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, February 23, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Berry, Birdsall, Bishop, Bush, Campbell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Held, Hewitt, Higgins, John, Johnson of San Diego, Kelly, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smyth, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—42.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leave of absence for the day: Messrs. Wessling, Thompson of San Francisco, Jury, Toomey, Beban, Boyle, Johnson of Sacramento, Beckett, Wyatt, Cogswell, and Wilson.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Pierce, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Also: Assembly Bill No. 651—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Also: Assembly Bill No. 796—An Act to provide for the improvement of the cereal crops of California, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Also: Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Assembly Bill No. 517—An Act to appropriate $20,000 out of any money in the State treasury, not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling,

and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years—have had the same under consideration, and respectfully report the same back, and recommend that it do pass,

PIERCE, Chairman.

Assembly Bill No. 924 referred to Committee on Ways and Means.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying and receiving of stolen property—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases—report the same back, with three amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 206—An Act compelling railroads doing business in this State as common carriers of passengers and freight to keep, operate, and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to keep, operate, and maintain freight warehouses for the purpose of receiving and discharging freight, in any municipal corporation, incorporated city, or city and county, or incorporated town traversed by the tracks or road of any railroad; also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act—report the same back, with recommendation that it do not pass.

Also: Assembly Bill No. 518—An Act to add a new section to the Code of Civil Procedure, to be designated section eleven hundred and sixty-six *a* (1166*a*), relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ—report the same back, with recommendation that it do not pass.

Also: Assembly Bill No. 540—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893—report the same back, with recommendation that it do not pass.

Also: Assembly Bill No. 421—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien—report the same back, with recommendation that it do pass.

Also: Assembly Bill No. 404—An Act to amend Title I of Part IV of the Civil Code of the State of California by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 853—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges—report the same back, and recommend that it do pass

Also: Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act"—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 580—An Act to add a new section to the Code of Civil Procedure, relating to costs in civil actions, to be numbered 1040—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 42—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 927—An Act to add a new section to the Political Code, to be numbered 759, relating to the employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action for divorce, during the pendency of the action at the final hearing, or at any time thereafter, and providing a penalty for such failure—report the same back, with one amendment, and recommend that it do pass as amended.

WALSH, Chairman pro tem.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 821—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor.

Also: Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Also: Assembly Bill No. 906—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that each do pass.

CUTTEN, Acting Chairman.

Assembly Bill No. 822 ordered on file for second reading.

Assembly Bills Nos. 821 and 906 referred to Committee on Ways and Means.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

WALSH, Chairman.

Senate Bill No. 629 ordered on file for second reading.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency: Senate Bill No. 848—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners, of

wharves, piers, seawall, State railroad, spurs, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of $25,000 to carry out the purposes of said Act.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Also: Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled an Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 128—An Act to amend Section 487 of the Penal Code of California, defining grand larceny.

Also, to Senate Bill No. 50—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.

Also, to Senate Bill No. 431—An Act to regulate the sale of poisons in the State of California and providing a penalty for the violation thereof.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 298—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.

Also: Assembly Bill No. 509—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.

Also: Assembly Bill No. 358—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895, and an Act amendatory thereof, approved March 20, 1905.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 848 read first time, and referred to Committee on Contingent Expenses and Accounts.

Senate Bill No. 461 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 390 read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Assembly Bills No. 567 and 570 ordered to enrollment.

WITHDRAWAL OF BILL.

Mr. Estudillo asked for and was granted unanimous consent to withdraw Assembly Bill No. 302—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, to be expended by and under the direction of said board, for the purpose of purchasing and operating necessary dredgers and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Bill withdrawn, and ordered stricken from the file.

SPECIAL ORDER SET.

Mr. Devlin moved that the reconsideration of Assembly Bill No. 680—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors—be set as a special order for Tuesday, February 26, 1907, at eleven o'clock A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Committee on Ways and Means: Assembly Bill No. 974 (Committee Substitute for Assembly Bill No. 302)—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and improving the navigability of such streams.

Bill read first time, and placed on file without reference.

By Committee on Ways and Means: Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

Bill read first time, and placed on file without reference.

By Mr. Estudillo: Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino forest reserve, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Berry: Assembly No. 977—An Act to establish a uniform system of township government; defining the powers and jurisdiction of the same, and the authority, powers, and duties of the officers thereof; and providing for the election and appointment of the officers thereof; and also providing for submitting this Act to a vote of the people of the several counties of the State.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Coghlan: Assembly Bill No. 978—An Act making it unlawful in any city or city and county in the State of California for any board of supervisors, board of police commissioners, police commission, or other licensing body, authority, or person, to demand or receive from any person or persons making application for permit or license to do business in such city, or city and county, and for and on behalf of such city or city and county or otherwise, any license, tax, or fee or money consideration whatever as and for license money for any period during

which such applicant for such permit or license has not had such permit or license, or as a condition precedent to the granting of such permit or license, and providing for the recovery, by the proper action in court by the person paying the same, of any such moneys so paid, whether the same was paid under protest or not.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Whitmore: Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof, approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Snyder: Assembly Bill No. 980—An Act to make an appropriation for the repair and maintenance under the supervision, management, and control of the Department of Highways of the State of California, or such other department as may by law succeed to the duties and authority thereof, of that certain highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management and control of such Department of Highways, or such other department as may by law succeed to the duties and authority thereof, and to designate and name such State highway as the Alpine State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Lemon: Assembly Bill No. 981—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by a co-owner or co-partner.

Bill read first time, and referred to Committee on Judiciary.

SPECIAL ORDER SET.

Mr. Estudillo moved that the consideration of Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years—be set as a special order for Monday, February 25, 1907.

Motion carried.

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State from local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Article XIII and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

Mr. Transue moved to reconsider the vote whereby Senate Constitutional Amendment No. 1 was adopted on yesterday.

Motion seconded.

SPECIAL ORDER SET.

On motion of Mr. Transue, the further consideration of vote on Senate Constitutional Amendment No. 1 was made a special order for eleven o'clock A. M. of Tuesday, February 26, 1907.

Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

Mr. Transue moved to reconsider the vote whereby Assembly Bill No. 132 was on yesterday refused passage.

Motion seconded.

SPECIAL ORDER SET.

On motion of Mr. Transue, the further consideration of the vote on Assembly Bill No. 132 was made a special order for eleven o'clock A. M. of Tuesday, February 26, 1907.

Assembly Bill No. 204—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation.

Mr. Transue moved that the vote whereby Assembly Bill No. 204 was passed on yesterday be reconsidered.

Motion seconded.

SPECIAL ORDER SET.

On motion of Mr. Transue, the further consideration of the vote on Assembly Bill No. 204 was made a special order for eleven o'clock A. M. of Monday, February 25, 1907.

Assembly Bill No. 680—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Mr. Devlin moved to reconsider the vote whereby Assembly Bill No. 680 was on yesterday refused passage.

Motion seconded.

SPECIAL ORDER SET.

On motion of Mr. Devlin, the further consideration of the vote on Assembly Bill No. 680 was made a special order for eleven o'clock A. M. of Tuesday, February 26, 1907.

SECOND READING OF BILLS.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 4, line 38 of the printed bill, strike out the word "plastering."

Amendment adopted.

AMENDMENT No. 2.

On page 4, line 39 of the printed bill, after the word "work," insert the following: 'fourth, for the plastering work."

Amendment adopted.

AMENDMENT No. 3.

On page 4, lines 39, 40, and 41 of the printed bill, strike out the words "fourth," "fifth," "sixth," and "seventh," and insert in lieu thereof the following: "fifth," "sixth," "seventh," and "eighth."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

Bill read second time.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 825 considered.

Mr. Held moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 825, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 954—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act whenever it appears to be impracticable to use said money for the purpose for which said bonds were voted.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Mr. Otis moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 697 considered.

Mr. Otis moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 697, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 748—An Act making an appropriation of $2,000 to be applied to the cost of grading, curbing with wood, macadamizing and concrete guttering Hearst Avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 748 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 748, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Bill read second time.

Mr. Stanton moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 779 considered.

Mr. Stanton moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 779, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "twenty," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "ten."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figures "($20,000.00)," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "($10,000.00)."

Amendment adopted.

Bill read second time.

Assembly Bill No. 458—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "ten," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "five," and striking out the figures "($10,000.00)" and inserting in lieu thereof "($5,000.00)."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 145 and 458.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 145 and 458 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 145 and Assembly Bill No. 458, and do now report the same back, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

Bills ordered to print and engrossment.

Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of $300," approved February 18, 1874, and an Act amendatory thereof, approved March 8, 1895.

During second reading of bill, the following amendment was submitted by the committee:

After the word "person," in line 20, Section 1, page 2 of the printed bill, insert the following: "and the surviving husband or wife, or if there be no surviving husband or wife, and the next of kin of said deceased do not within thirty days after the death of said deceased, make application for said money as provided for herein, then such bank or banker."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 899—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 523—An Act to add a new section to the Civil Code, to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposition of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 12 of the printed bill, after the word "practicable," insert a comma and the words "but not later than the third Monday in July."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the period after the word "act," on line 31, second page, printed bill, and insert in lieu thereof the following: "All money collected for sanitary purposes by the district attorney under this Act shall be at once paid to the county treasurer; *provided further*, that the sanitary board may, at any time, by order entered in its minutes, provide a system for the collection of delinquent taxes, or make any change in the manner of their collection, which as to such taxes shall have the force of law. Whenever any property is sold for delinquent sanitary taxes, under the provisions of this Act, the tax collector shall file with the county recorder, at the expense of the purchaser, a copy of the certificate of such sale; and when at any time redemption is made of any property which has been sold for delinquent sanitary taxes the redemption officer of the sanitary district shall immediately forward a copy of the redemption certificate to the county recorder, and the county recorder shall inscribe or stamp upon margin of the certificate of sale of said property then on file in his office, the word 'redeemed,' together with the date, the amount paid, and the name of the party redeeming said property; *and further provided*, that whenever the tax collector issues a deed to the purchaser of any property sold for delinquent sanitary taxes, the said tax collector shall forward a copy of the deed to the county recorder, and the county recorder shall then inscribe or stamp upon the margin of the certificate of sale of said property then on file in his office, the words 'deeded to,' together with the date, and the name of the party to whom said deed was issued."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "July," also the figures "1907," on line 1, Section 4, second page, printed bill, and inserting in lieu thereof the following: "January, 1908."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "September," also the figures "1907," on line 1, Section 8, third page, printed bill, and inserting in lieu thereof the following: "April, 1908."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 814—An Act to insure the better of education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 809—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies, and all other infectious or contagious diseases among sheep.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory, to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 878—An Act to provide for drainage by irrigation districts.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, on line 3, first page, printed bill, insert "$" mark in parenthesis before figures (7,000).

Amendment adopted.

AMENDMENT No. 2.

In Section 1, line 6, first page, printed bill, after word "hundred," insert word "dollars."

Amendment adopted.

AMENDMENT No. 3.

In Section 1, line 6, first page, printed bill, insert "$" mark before (3,500) in parenthesis,

Amendment adopted.

AMENDMENT No. 4.

In Section 1, line 7, first page, printed bill, strike out "immediately," and insert in lieu thereof "July 1, 1907."

Amendment adopted.

AMENDMENT No. 5.

In Section 1, on line 8, first page, printed bill, immediately following the figures "1908," strike out "period" after the numeral "8," and insert in lieu thereof a semicolon.

Amendment adopted.

AMENDMENT No. 6.

Immediately after the figures "1908," on line 8 of printed bill, insert the following: "*provided*, that the Controller shall not draw his warrant for any part of said sum until a certificate signed by the Highway Commissioner is presented, stating that the sum of thirty-five hundred dollars ($3500.00) has been expended from the funds of said county"

Amendment adopted.

Bill read second time.

Mr. Stanton moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 414 considered.

Mr. Stanton moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 414, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

Assembly Bill No. 804—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members.

Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize their appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March 25, 1903, by amending Section 6 thereof relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing for the separation of State and local taxation, providing for the taxation of public service and other corporations for the benefit of the State, and to that end amending Sections 1, 9, 10, and 11 of Article XIII, and adding to Article XIII two new sections, to be numbered Sections 14 and 15, and repealing Section 10 of Article XI thereof, all relating to revenue and taxation.

Also, beg leave to report that the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 410—An Act to amend Section 1372 of the Political Code of the State of California, relating to the territory of this State, within which primary elections shall be obligatory and mandatory.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6, of said Act, and by adding thereto a new section, to be numbered 8*a*.

Assembly Bill No. 416—An Act to regulate the licensing and powers of detectives and to provide for the regulation of the business of watchmen and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Also, beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."

Assembly Bill No. 299—An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts.

Assembly Bill No. 83—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings.

Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury, and judgment of the court, in forcible entry, or forcible or unlawful detainer cases.

Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897.

Assembly Concurrent Resolution No. 14—Approving two certain amendments to the charter of the City of Eureka, County of Humboldt, State of California, voted for and ratified by the electors of said City of Eureka at a general municipal election held therein on the 19th day of June, 1905.

And were presented to the Governor February 22, 1907, at three o'clock and twenty minutes P. M.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

The above reported reëngrossed bills were ordered on file for passage.

ADJOURNMENT.

At eleven o'clock and fifteen minutes A. M., on motion of Mr. Walsh, the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Monday, February 25, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, February 25, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Wilson, and Mr. Speaker—56.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for this day: Messrs. Eshleman, McGuire, and Chandler.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Held, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1044, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, all relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Elections and Election Laws.

Also: Senate Concurrent Resolution No. 13—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 1st day of August, 1906—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

JURY, Chairman.

Senate Bill No. 62 referred to Committee on Election and Election Laws.

Senate Concurrent Resolution No. 13 ordered on file for adoption.

ON SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on San Francisco Delegation, to whom was referred Assembly Bill No. 965—An Act to furnish the office of superintendent of schools of the City and County of San Francisco with the statutes, code amendments, and indexes to the laws of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STROHL, Chairman.

Assembly Bill No. 965 referred to Committee on Ways and Means.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STROBRIDGE, Chairman.

Senate Bill No. 413 ordered on file without reference.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on Universities, to whom was referred Senate Bill No. 63—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ESHLEMAN, Chairman.

Senate Bill No. 63 referred to Committee on Ways and Means.

ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on State Library, to whom was referred Assembly Bill No. 958—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

O'BRIEN, Chairman.

Assembly Bill No. 958 ordered on file for second reading.

ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 957—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of the State of California, 1850-1907, inclusive—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PIERCE, Chairman.

Assembly Bill No. 957 ordered on file for second reading.

MESSAGES FROM THE GOVERNOR.

Messages from the Governor were taken up and read, as follows:

To the Assembly of the State of California:

I have the honor to return herewith Assembly Bill No. 95, entitled "An Act to perfect the organization of Reclamation District Seventy, as created by an Act entitled 'An Act to create a reclamation district, to be called Reclamation District No. 70, and providing for the control and management thereof,' approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts, composed of portions of the same territory," without my approval, for the following reasons:

In January, 1905, Reclamation District No. 763 of Sutter County was regularly organized in compliance with the provisions of the Political Code in such cases made and provided.

At a later date and on the 21st day of March, 1905, by an Act of the Legislature of the State of California, approved that day, Reclamation District No. 70 was established. This latter district included within its exterior bounds all of Reclamation District No. 763.

A portion of the property owners of Reclamation District No. 763 have protested and are now protesting against being included within said district No. 70. It is their contention that having formed a separate and independent reclamation district in compliance with the general laws of the State, the Legislature has no right to include them within the limits of a larger district.

Litigation has been commenced and is now pending to determine the question. In view of these circumstances I deem it proper that the protesting property owners should have ample opportunity to maintain any rights they may have in the matter.

It would not be in consonance with sound policy for the Legislature to impair or deprive the protesting owners of any of their remedies in the courts. They have a right now to be heard and may present whatever defenses they may have. Should this legislation be approved their district would be dissolved, and it would be useless for them to prolong the litigation.

The privilege of existing as a separate district subject to their own laws and pursuing a course of reclamation peculiar to themselves, seems to me to be a sufficient warrant to justify them in objecting to a dissolution in the manner prescribed by this Act.

For these reasons I feel that the bill ought not to be approved.

Very respectfully,

J. N. GILLETT, Governor.

Dated, February 23, 1907.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills were introduced and referred as indicated:

By Mr. Held: Assembly Bill No. 982—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the County of Glenn, between Mendocino and Glenn counties.

Bill read first time, and referred to Committee on Counties and County Boundaries.

Also: Assembly Bill No. 983—An Act affecting the duties of county auditors throughout the State of California.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 984—An Act to appropriate $2,519.88 to pay the claim of Mrs. S. L. Bee for interest upon bonds issued by the Treasurer of the State of California under the provisions of the Act of the Legislature of the State of California entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852, represented by coupons 3, 4, and 5 of the following bonds: Bonds for $1,000 each, and numbered, respectively, 63, 65, 66, 67, 77, 85, 94, 95, 101, and 284; bonds for $500 each, and numbered, respectively, 57, 109, 176, and 185; bonds for $100 each, and numbered, respectively, 10, 11, 77, 79, and 105.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 985—An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Transue: Assembly Bill No. 986—An Act to protect all citizens in their civil and legal rights, and to fix a penalty for violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. O'Brien: Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Fratessa: Assembly Bill No. 988—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674*a*, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Percival: Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Johnson of Sacramento: Assembly Bill No. 990—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bishop: Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts

for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in said channels, and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Also: Assembly Bill No. 992—An Act entitled "An Act to amend Section 948 of the Code of Civil Procedure, relating to undertakings on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 993—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that all of them shall not go out of office at the same time.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Strohl: Assembly Bill No. 994—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 476*a*, relating to the making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bishop: Assembly Bill No. 995—An Act to provide for the loan from the School Land Fund to the State of California of the sum of $250,000, providing for the transfer of said amount from the School Land Fund to the General Fund, and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund, and from the General Fund to the School Land Fund, and from the General Fund to the State School Fund, to carry out the purposes of this Act.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 996—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bulkheads, sheds, streets, and seawall, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Stanton: Assembly Bill No. 997—An Act to empower the boards of supervisors, boards of trustees, common councils, or other governing or legislative bodies of counties, cities and counties, cities and towns, to permit the holders of street railroad or interurban railway franchises therein to operate freight cars, and to transport freight, and to provide for a compensation for such permission.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 998—An Act to provide for the maintenance and operating expenses of the forestry station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. John: Assembly Bill No. 999—An Act to provide for the creation of associations for the cremation of dead bodies, and the burial and care of the incinerate remains; to prescribe the powers thereof; to provide for the creation of an irreducible fund therefor, and to prescribe the duties of the trustees of said association.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Wyatt: Assembly Bill No. 1000—An Act to repeal Article V of Title VI of Part III of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1001—An Act to repeal Article VI of Title VI of Part III of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1002—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter Ic, relating to the Woman's Relief Corps Home of California.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Sackett: Assembly Concurrent Resolution No. 21—Relative to work done by the Outdoor Art League for the five per centum bill.

Resolution referred to Committee on Education.

By Mr. Fratessa: Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be numbered 21, to Article XX thereof, relative to the number of hours of labor or employment in a calendar day.

Constitutional amendment referred to Committee on Constitutional Amendments.

APPOINTMENT OF STANDING COMMITTEE.

The Speaker announced the appointment of the following committee:

On Introduction of Bills—Messrs. Stanton, Root, and Jury.

RESOLUTION.

The following report and resolution was submitted:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your joint committee, appointed under Assembly Concurrent Resolution No. 11, to arrange for the participation by the members of the Legislature at the funeral obsequies of Hon. John J. Burke, late member of the Assembly, hereby respectfully report that in pursuance of the purpose of our appointment arrangements were

made whereby the members of the Senate and Assembly attended the funeral of our late member in the City of Oakland, California, on January 22, 1907, and in connection therewith the following expenses were incurred, viz:

Freeman & McManus, funeral expenses	$550 00
St. Mary's Cemetery, burial plot, etc.	8 00
Adjutant-General J. B. Lauck, military escort, etc.	212 11
Southern Pacific Railroad Company, transportation	405 00
Hugh McWilliams, floral pieces	200 00
Elks' Quartette, services	20 00
J. T. Stafford, expenses	41 00
Ben Cohn, expenses	15 00
Independent Transfer Company, drayage	10 00
E. H. Cox & Son, draping desk	16 00
Total	$1,477 11

And we recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby authorized to draw his warrant for the amount of one thousand four hundred seventy-seven and eleven one-hundredths dollars in favor of Frank J. O'Brien, Chairman of said Joint Committee, payable out of the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same.

Respectfully,

FRANK J. O'BRIEN,
J. P. TRANSUE,
P. M. WALSH,
Committee.

Report and resolution read, and referred to Committee on Contingent Expenses and Accounts.

RE-REFERENCE OF BILLS.

On motion of Mr. Estudillo, Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor—was recalled from the Committee on Public Lands and Forestry, and referred to the Committee on Ways and Means.

SPECIAL ORDER RESET.

On motion of Mr. Johnson, the further consideration of Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section to be known as Section 230, relating to the adoption of children—was made a special order for eleven o'clock A. M. of Tuesday, February 26, 1907.

SPECIAL ORDER RESET.

On motion of Mr. Leeds, the further consideration of Assembly Bill No. 204—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation—was made a special order for eleven o'clock A. M. of Tuesday, February 26, 1907.

THIRD READING OF BILLS.

Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 716 passed by the following vote:

AYES—Messrs. Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF SENATE BILL.

Senate Bill No. 848—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session.

The following resolution was introduced (out of order):

By Mr. Transue:

Resolved, That Senate Bill No. 848 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—54.

NOES—Mr. McClellan—1.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole, for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 848 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 848—An Act making an appropriation to pay the expenses of legislative printing for the thirty-seventh session—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 848 finally passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Smyth, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 804—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members.

Bill read third time, and passed on file for further consideration.

Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 846 passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Forbes, Fratessa, Hammon, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Smyth, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals and to provide for their compensation.

During third reading of the bill, Mr. Bush moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out the word "under," on line 10, and inserting in lieu thereof the following word: "over."

Also: Amend by striking out the words "and not to exceed one hundred," on lines 10 and 11.

Also: Before the word "this," on the last line of the printed bill, insert the following: "Sec. 2."

Motion carried.

The Speaker appointed Mr. Bush as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 649, with instructions, do now report that the instructions of the Assembly have been carried out.

BUSH, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchise or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cogswell, Costar, Cutten, Devlin, Drew, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smyth, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Wilson, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 864—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115*a*, requiring the county clerks and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Bill read third time, and passed on file for further consideration.

SECOND READING OF BILLS.

Assembly Bill No. 651—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair

Assembly Bill No. 651 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 651, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Bill read second time, and re-referred to Committee on Ways and Means.

Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 927—An Act to add a new section to the Political Code, to be numbered 759, relating to the employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Bill read second time, and ordered to engrossment.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 404—An Act to amend Title I of Part IV of the Civil Code of the State of California by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens.

During the third reading of the bill, Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all after the enacting clause and insert as follows:

SECTION 1. All aliens may, subject to the further provisions of this Act, acquire and hold title in fee simple, or otherwise, to lands, tenements, and hereditaments, situate in this State, by deed, devise or descent, and may alienate, sell, assign, incumber, devise and convey lands, tenements, or hereditaments whether the same have been heretofore or be hereafter acquired, and the title to any lands of which an alien may die seized or possessed, intestate, shall descend to the heirs at law, and no person shall be deprived of his right to take title to real estate as heir at law by descent from any deceased person, because he may be an alien or be compelled to trace his relationship to such deceased person through one or more aliens.

SEC. 2. If any alien at the time of acquiring title to lands situate in this State shall be of the age of twenty-one years or upwards, he may hold title to the same for five years from and after the time of acquiring such title; but if any alien shall at the time of acquiring title to lands situate in this State be under the age of twenty-one years he may hold title to the same for five years after the time when he becomes twenty-one years of age, and if at the end of the time above limited, such lands shall not have been conveyed to bona fide purchasers for value, or such alien shall not have become a citizen of the United States, it shall then be the duty of the district attorney of the county in which said lands are situate to proceed by information, in the name of the people of the State of California, in the Superior Court of such county, to compel a sale of the lands, and such court shall have jurisdiction to hear and determine such information and to order the sale of such lands by a special commissioner, or other officer, for that purpose appointed by the court, at such time and place and upon such terms as the court may direct, but such sale shall be made subject to all incumbrances by way of judgment or mortgage, or otherwise, existing against such lands. Notice to all parties interested shall be given as now authorized in civil cases.

It shall be a good defense to any such proceeding that prior to the time that the same was commenced such alien had become a citizen of the United States, or that the title to such lands had been conveyed in good faith by such alien immediately to a citizen of the United States, or if such alien was deceased prior to the time of the commencement of such proceeding that his heirs, or devisees, or any person claiming by, through, or under them, are or had become citizens of the United States. Said court shall tax as costs such fees for the district attorney as shall be reasonable, not exceeding twenty per centum of the amount which shall be bid for such lands at any such sale thereof, and shall allow to such special commissioner, or other officer making such sale, the same fees as are allowed by law for the sale of lands under decree of foreclosure of mortgages, and all fees and costs shall be paid out of the proceeds of sale of such real estate.

If any district attorney shall neglect or refuse to proceed by information as hereinbefore provided, within thirty days after it shall be brought to his notice that an alien is holding title to lands in this State, contrary to the provisions of this Act, then any citizen may proceed by information, in the name of the people of the State of California, in the same manner as such district attorney might have proceeded under the provisions of this section, and he and his attorney may be allowed such reasonable fees for their services, to be taxed as costs, as the court may direct, not exceeding in the aggregate twenty per centum of the amount which shall be bid for such lands at any sale thereof. All sums received from the sale of any lands under the provisions of this Act, less costs as herein provided, shall be paid to the owner, his heirs or assigns.

SEC. 3. No contract, agreement, or lease of real estate for a longer period than one year shall be made to any alien, and any lease, agreement or devise of real estate made to any alien contrary to the provisions of this section shall be null and void.

Also: Strike out the title, and insert in lieu thereof "An Act entitled an Act to prevent the holding of title to real property for a longer term than five years unless the grantor shall become a citizen of the United States or declare his intention to become such citizen; also preventing the holding of title by lease or devise for a longer time than one year by any alien."

Motion carried.

The Speaker appointed Mr. Drew as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 404, with instructions, do now report that the instructions of the Assembly have been carried out.

DREW, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out any life insurance policy within the State of California, and providing penalties for the violation thereof.

During third reading of the bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "kind" in line 10 of Section 1 of the printed bill, as amended, insert the words "except for specified services actually performed."

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 340, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 448—An Act to add a new section to the Civil Code, to be known and numbered as Section 468*a*, providing for the management of railroad trains in crossing drawbridges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 448 refused passage by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Case, Cogswell, Costar, Cutten, Davis, Devlin, Drew, Hammon, Hewitt, John, Johnson of Sacramento, Lucas, McConnell, Percival, Sackett, and Thompson of Los Angeles—20.

NOES—Messrs. Beckett, Bush, Cullen, Forbes, Fratessa, Hartmann, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McKeon, O'Brien, Otis, Pyle, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, Wilson, and Mr. Speaker—29.

Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system

of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 557 passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Cogswell, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 632—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Bill passed to foot of file.

Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271*a*, relating to the subject of escheated estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 700 passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Drew asked for and was granted unanimous consent to withdraw Assembly Bill No. 719—An Act to amend Section 443 of the Political Code, relating to the distribution of school funds.

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 524—An Act to add a new section to the Penal Code, to be known as Section 393*a*, to provide for the giving of notice of accidents occurring on any railroad in California.

Bill passed to foot of file.

Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law February 25, 1901, by amending Section 2 thereof, and by adding a new section thereto, validating bonds heretofore issued for wharf purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 616 passed by the following vote:

AYES—Messrs. Baxter, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 679—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 679 refused passage by the following vote:

AYES—Messrs. Berry, Birdsall, Campbell, Case, Forbes, Fratessa, Held, John, Johnson of San Diego, Ludington, Lynch, McKeon, McMullin, O'Brien, Pierce, Sackett, Snyder, Stetson, Strohl, Thompson of San Francisco, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—25.

NOES—Messrs. Baxter, Beckett, Boyle, Bush, Butler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Hartmann, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, McClellan, Otis, Percival, Pyle, Spaulding, Thompson of Los Angeles, Toomey, Transue, and Weske—31.

WITHDRAWAL OF BILLS.

Mr. Lynch asked for and was granted unanimous consent to withdraw Assembly Bill No. 678—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.

Also: Assembly Bill No. 681—An Act to add a new section to the Political Code of the State of California, to be known as Section 2644*a*, relating to the oath and bond of road overseers.

Also: Assembly Bill No. 682—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Bills withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 702—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 702 passed by the following vote:

AYES—Messrs. Beckett, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—53.

NOES—Messrs. Berry, Bishop, Johnson of San Diego, Thompson of San Francisco, and Transue—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code, and to add a new section to said code, to be numbered Section 590*a*, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts or stones, or guide posts on or near highways, to the punishment thereof, and to the disposition of fines collected therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 860 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wilson, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 869 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fratessa, Hans, Hartmann, Held, Johnson of Sacramento, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 858—An Act to repeal an Act entitled "An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County," approved March 18, 1905.

Bill read third time.

Mr. Davis moved that the further consideration of Assembly Bill No. 858 be made a special order for eleven o'clock A. M. of Saturday, March 2, 1907.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 858 was refused passage by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Boyle, Bush, Campbell, Coghlan, Cullen, Fisher, Fratessa, Hans, Hartmann, Held, Johnson of San Diego Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, Root, Stanton, Stetson, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, and Wilson—33.

NOES—Messrs. Berry, Birdsall, Bishop, Butler, Case, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Hewitt, John, Johnson of Sacramento, Leeds, Lucas, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Thompson of Los Angeles, Walsh, and Mr. Speaker—32.

Assembly Bill No. 677—An Act to amend Section 239 of the Penal Code, relating to punishment of libel.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bil No. 677 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Bishop, Boyle, Butler, Campbell, Coghlan, Cornish, Costar, Cullen, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, Percival, Pierce, Pyle, Root, Spaulding, Stanton, Thompson of San Francisco, Toomey, Transue, Vogel, Whitmore, Wilson, and Mr. Speaker—41.

NOES—Messrs. Birdsall, Case, Chandler, Cogswell, Cutten, Davis, Devlin, Drew, Estudillo, Johnson of San Diego, Lucas, McConnell, McKeon, Otis, Snyder, Stetson, Strobridge, Thompson of Los Angeles, Walsh, Weske, and Wessling—21.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671*a*, relating to the issue of bonds for the support of county high schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 891 passed by the following vote:

AYES—Messrs. Barry, Beckett, Berry, Birdsall, Boyle, Case, Chandler, Coghlan, Cornish, Costar, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hewitt, John, Johnson of Sacramento, Jury, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—46.

NOES—Messrs. Beban, Cullen, Hartmann, Kelly, and McMullin—5.

Title read and approved.

Bill ordered transmitted to the Senate.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced and referred as indicated (unanimous consent having been obtained for their reception):

By Mr. Johnson of Sacramento: Assembly Bill No. 1003—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1004—An Act to amend Section 3817 of the Political Code, relating to the redemption of real estate sold for delinquent taxes to the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1005—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section immediately after Section 538*b* thereof, to be numbered Section 538*c*, making it the crime of larceny for the mortgagor of certain personal property to move said property during the existence of said mortgage without the written consent of mortgagee.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1006—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section immediately after Section 507 thereof, to be numbered Section 507*a*, making it the crime of embezzlement for any person who has the lawful possession, but not the title, to personal property, to sell, transfer, mortgage, or pledge said property.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Kohlman: Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1009—An Act to amend Section 827 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Estudillo: Assembly Bill No. 1010—An Act making an appropriation of twenty thousand dollars ($20,000), to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fire proof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1011—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Drew: Assembly Bill No. 1012—An Act to amend Section 2757 of the Civil Code.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Hewitt: Assembly Bill No. 1013—An Act to validate the organization and incorporation of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Stetson: Assembly Bill No. 1014—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Bill read first time, and referred to Committee on Agriculture.

Also: Assembly Bill No. 1015—An Act to add a new section to the Civil Code, to be numbered 580, relating to banking corporations.

Bill read first time, and referred to Committee on Corporations.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 380—An Act authorizing and directing the board of managers of the Napa State Hospital to purchase and install a Home telephone system at the Napa State Hospital between the various wards and departments thereof, and making an appropriation therefor.

Also: Assembly Bill No. 934—An Act to add a new section to the Political Code to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering

Also: Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

Also: Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Also: Assembly Bill No. 954—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Also: Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 748—An Act making an appropriation of two thousand nine hundred ($2,900) dollars, to be applied to the cost of grading, curbing with wood, macadamizing and concrete guttering Hearst Avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Also: Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

RE-REFERENCE OF BILLS.

On motion of Mr. Bush, Assembly Bill No. 381—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying a pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor—was re-referred to Committee on Ways and Means, retaining its place on file.

On motion of Mr. Sackett, Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education—was re-referred to Committee on Education.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 29—An Act for preventing the manufacture, sale, or transportation of adulterated or misnamed foods or liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 29 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cornish, Costar, Davis, Devlin, Fisher, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Ludington, McClellan, McConnell, McKeon, McMullin, Pierce, Pyle, Sackett, Smyth, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 382—An Act to amend the Political Code by adding thereto three new sections, to be numbered 759, 760, and 761, relating to fees of clerks of District Courts of Appeal, the disposition thereof and settlement therefor by said clerks, and creating a library fund in said District Courts of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 382 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cornish, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Ludington, McClellan, McConnell, McKeon, McMullin, Pierce, Pyle, Sackett, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 126—An Act concerning trespassing animals upon private lands and the recovery of damages resulting therefrom.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 126 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Case, Cogswell, Cornish, Costar, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento Jury, Leeds, Lemon, Ludington, McClellan, McConnell, McKeon, McMullin, Pierce, Pyle, Sackett, Smyth, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Whitmore, Wilson, and Mr. Speaker—42.

NOES—Messrs. Butler, Kelly, Snyder, Thompson of San Francisco, and Toomey—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Pending the announcement of the vote, Mr. Walsh moved a call of the House.

Motion carried.

Time, two o'clock and thirty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—69.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Lucas was brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and forty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Walsh.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was refused passage by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Bishop, Bush, Case, Cogswell, Costar, Drew, Estudillo, Forbes, Hammon, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, O'Brien, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stanton, Thompson of Los Angeles, Transue, Wessling, Whitmore, and Mr. Speaker—37.

NOES—Messrs. Beckett, Birdsall, Boyle, Butler, Chandler, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Fisher, Fratessa, Hartmann, Held, Higgins, Jury, Kelly, Kohlman, McKeon, McMullin, Otis, Smyth, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Vogel, Walsh, Weske, and Wilson—32.

NOTICE OF MOTION TO RECONSIDER.

Mr. Walsh gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 123 was this day refused passage.

Senate Bill No. 124—An Act to amend Section 855 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 124 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—55.

NOES—Messrs. Hartmann, McConnell, McMullin, Otis, Smyth, and Strobridge—6.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

During the third reading of the bill, Mr. Thompson of Los Angeles moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the period after the word "paid" in line 20, Section 1, page 2, of the amended printed bill, and insert in lieu thereof a semicolon, and the following:

"*Provided, further,* that in counties when the county recorders are paid by the folio for transcribing records, such recorder shall receive for filing, recording and indexing each deed, such compensation as is provided in the County Government Act."

Motion carried.

The Speaker appointed Mr. Thompson of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 32, with instructions, do now report that the instructions of the Assembly have been carried out.

THOMPSON of Los Angeles, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Senate Bill No. 384—An Act to convert, transfer, and return to the General Fund of the State Treasury, all unexpended moneys heretofore appropriated for the care, management, or improvement, or for any other purpose, with reference to the "Yosemite Valley and Mariposa Big Tree Grove," or any money which may be or hereafter come into the "Yosemite Valley and Mariposa Big Tree Grove."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 384 finally passed by the following vote:

AYES—Messrs. Berry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 385—An Act to repeal an Act entitled "An Act to provide for the management of the 'Yosemite Valley and Mariposa Big Tree Grove,'" approved April 15, 1880, and all Acts amendatory thereof or supplementary thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 385 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 386—An Act to repeal Sections 357, 3584, 3585 and 3586 of the Political Code, relating to the "Yosemite Valley and the Mariposa Big Tree Grove."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 386 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Smyth, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 236—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 236 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Smyth, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Whitmore, Wilson, and Mr. Speaker—58.

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 5—An Act making an appropriation to be used under the provisions of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute, to be manufactured at the State Prison at San Quentin," approved March 9, 1885, approved March 16, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 finally passed by the following vote:

AYES—Messrs. Barry, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smyth, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 275—An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work and riprap along the banks thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 275 finally passed by the following vote:

AYES—Messrs. Barry, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wilson, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 119—An Act to amend the Penal Code of California by adding four new sections thereto, to be numbered Section 597*a*, Section 597*b*, Section 597*c*, and Section 597*d*, relating to docking of horses' tails, and providing a punishment therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 119 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, McKeon, McMullin, Otis, Pierce, Pyle, Smith, Spaulding, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wilson, and Mr. Speaker—50.

NOES—Messrs. Campbell, Lynch, and Thompson of San Francisco—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 224 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Smyth, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Weske, Whitmore, Wilson and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 225 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Cornish, Cutten, Davis, Devlin, Estudillo, Fisher, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Smyth, Snyder, Spaulding, Strohl, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 226 finally passed by the following vote:

AYES—Messrs. Baxter, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wilson, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 261 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Campbell, Cogswell, Coghlan, Cornish, Costar, Cullen, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Kelly, Leeds, Lemon, Ludington, McConnell, Pierce, Pyle, Smith, Snyder, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—Messrs. Chandler, Cutten, Davis, Devlin, Drew, Johnson of Sacramento, Lucas, Lynch, McKeon, Otis, Sackett, Spaulding, Strobridge, and Weske—14.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532*a*, defining the meaning of the words "average daily attendance."

Bill read third time, and ordered on file for further consideration.

Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 765 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Davis, Devlin Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, Otis, Pyle, Root, Sackett, Smith, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 779 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 934 passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Hans, Held, John, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Walsh, Weske, Wessling, Whitmore, and Mr. Speaker—42.

NOES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Boyle, Cornish, Cullen, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, McClellan, Root, Strohl, Toomey, and Wilson—25.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal year.

Bill read second time.

Mr. Estudillo moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 975 considered.

Mr. Transue moved that the committee do now rise and report progress and ask leave to re-sit.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years—and do now report progress, and ask leave to re-sit.

BEARDSLEE, Chairman.

SPECIAL ORDER SET.

On motion of Mr. Transue, the further consideration of Assembly Bill No. 975 was made a special order for ten o'clock of Tuesday, February 26, 1907.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 899—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Assembly Bill No. 523—An Act to add a new section to the Civil Code to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities.

Assembly Bill No. 814—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Assembly Bill No. 809—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies and all other infectious or contagious diseases among sheep.

Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts."

Assembly Bill No. 878—An Act to provide for drainage by irrigation districts.

Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.

Assembly Bill No. 774—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.

Assembly Bill No. 752—An Act to provide for the licensing of architects and for the regulation of the practice of architecture as a profession.

Assembly Bill No. 381—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed at the Napa State Hospital, and laying a pipe line from said reservoir, and making an appropriation therefor.

Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Assembly Bill No. 304—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1675, relating to the issuance of diplomas to the graduates of the high schools of the State.

Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objection to balanced or written-up passbook or bankbook or to statements of his deposit account within a certain time or be concluded thereby.

Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which bills of exceptions and statements on motion for a new trial have been lost or destroyed by conflagration or other public calamity.

Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349*a*, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

Assembiy Bill No. 927—An Act to add a new section to the Political Code, to be numbered 759, relating to the employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said code.

Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Assembly Bill No. 651—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Also: Beg leave to report that the following Assembly bills have been correctly reëngrossed, viz.:

Assembly Bill No. 597—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6*a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof.

Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

The above reported reëngrossed bills were ordered on file for passage.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 825 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Boyle, Chandler, Cogswell, Cornish, Costar, Cutten, Devlin, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 696 passed by the following vote:

AYES—Messrs. Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, O'Brien, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 954—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act whenever it appears to be impracticable to use said money for the purpose for which said bonds were voted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 954 passed by the following vote:

AYES—Messrs. Berry, Birdsall, Boyle, Butler, Case, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICES OF MOTIONS TO RECONSIDER.

Mr. Held gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 934 was this day passed.

Mr. Butler gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 858 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 697 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Davis, Devlin, Estudillo, Forbes, Fratessa, Hans, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 748—An Act making an appropriation of $2,000 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst avenue, in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 748 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Costar, Cullen, Davis, Devlin, Estudillo, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as "The Commissioners for the Revision and Reform of the Law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 578 passed by the following vote:

AYES—Messrs. Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Smith, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—Messrs. Cornish, Johnson of Sacramento, and McConnell—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

CONSIDERATION OF SENATE BILLS.

Mr. Stanton moved that Senate Bill No. 650 be recalled from print for the purpose of amendment.

Motion carried, and bill ordered recalled.

Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the period at the end of line 17, page 2 of the printed bill, and inserting in lieu thereof the following: "*provided*, that no article shall be deemed misbranded, mislabeled, or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operations of any of the other provisions of this Act."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "possession," on line 1, Section 8, third page of the printed bill, and inserting in lieu thereof the following: "the sale or offering for sale."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "free access at all reasonable hours, to examine any place wherein it is suspected that any adulterated, mislabeled, or misbranded drug exists, and such agent or sheriff upon," after the word "have," on line 10, fourth page, printed bill, and inserting in lieu thereof the following: "the right to purchase at the place of business of any manufacturer or dealer, any drug suspected of being adulterated, mislabeled, or misbranded within the meaning of this Act."

Amendment adopted.

AMENDMENT No. 4.

Strike out the small "w" in the word "when," on line 1, Section 15, fifth page, printed bill, and insert in lieu thereof a capital "W."

Amendment adopted.

AMENDMENT No. 5.

Strike out the word "cannibis," in line 11, third page, printed bill, and insert in lieu thereof the following: "cannabis."

Amendment adopted.

AMENDMENT No. 6.

On page 4, line 14, printed bill, before the word "may" insert the word "he."

Amendment adopted.

Also, by Mr. Johnson of Sacramento:

Amend by adding to Section 3 the following: "and the regulations and definitions adopted for the enforcement of the Food and Drug Act of June 30, 1906, shall be adopted by the State Board of Health for the enforcement of this Act."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

During second reading of bill, the following amendment was submitted by Mr. Stanton:

Amend by striking out Section 2 of printed bill, on page 2 thereof.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900, and all Acts and parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Bill read second time.

Mr. Stanton moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 590 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: Your Committee of the Whole have had under consideration Senate Bill No. 590, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

RE-REFERENCE OF BILL.

On motion of Mr. Stetson, Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or ballot machines, defining their power, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county, city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines—was re-referred to Committee on Election Laws.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced, and referred as indicated (unanimous consent having been obtained for their reception):

By Mr. Walsh: Assembly Bill No. 1016—An Act to amend Section 852 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1017—An Act to repeal Section 145 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Thompson of Los Angeles: Assembly Bill No. 1018—An Act entitled "An Act to amend Section 1670 of the Political Code," relating to establishing and maintaining high schools.

Bill read first time, and referred to Committee on Education.

RECESS.

At five o'clock and ten minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker Beardslee in the chair.
Quorum present.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills were introduced and referred as indicated (unanimous consent having been obtained for their reception):

By Mr. Transue: Assembly Bill No. 1019—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Bill read first time, and ordered on file without reference.

By Mr. Transue: Assembly Constitutional Amendment No. 27—Amending Constitution relative to consolidation of cities.

Assembly Constitutional Amendment referred to Committee on Constitutional Amendments.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

THOMPSON of Los Angeles, Chairman.

Assembly Bill No. 935 ordered on file for second reading.

REPORT OF SPECIAL JOINT COMMITTEE.

The following report of the joint committee appointed to draw up resolutions of respect to the memory of the late John J. Burke was submitted:

We, your Joint Committee, appointed to draw up resolutions of respect to the memory of the late John Joseph Burke, beg leave to report as follows:

WHEREAS, In the course of Divine Destiny, the hand of death has claimed from among us an honored and beloved member, John Joseph Burke; and

WHEREAS, As a mark of respect to his memory, and in accordance with the wishes of our hearts to express the deep feeling of bereavement in our loss, we desire to make record thereof; now, therefore, be it

Resolved, That in the untimely demise of John Joseph Burke, the Legislature of California lost from its numbers a member of unimpeachable integrity, possessed of ability of high order, tireless energy, and unselfish and high ideals. He had a genial wit, a solicitude for the rights of others, and a most lovable and kind disposition. His was a hand ever ready to assist where assistance was needed; his, a heart ready with sympathy, reaching beyond the lines of creed or party. Standing, as he did, at the threshold of a career brilliant with promise, honored by attainment in the past, he was a type and symbol of the glory of a free land where no prince gives knighthood, but going forth with the accolade of a good mother, a man's deeds and manners confirm in him the only nobility we recognize—the nobility of personal worth. In thus feebly expressing the sentiment of our hearts, and handing down a record thereof for the years that are to come, we extend to the bereaved family of the deceased our deep and sincere sympathy in their loss, and commend to ourselves and the generation, of which he made one, the sweetness and genuine worth of his all too brief career; and be it further

Resolved, That the Chief Clerk be and he is hereby authorized to have the foregoing resolutions suitably engrossed and framed and delivered to the family of deceased, and

the Controller is hereby directed to draw his warrant in favor of Clio Lloyd, Chief Clerk, in the sum of one hundred dollars, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same; be it further

Resolved, That a copy of this resolution be recorded in the journal of this House, and a copy thereof be engrossed and sent to the family of the deceased.

J. P. TRANSUE.
JOHN W. STETSON.
FRANK R. DEVLIN.
C. P. CUTTEN.
W. L. McGUIRE.
J. CLEM BATES.
E. I. WOLFE.
GUS. HARTMAN.
HENRY W. LYNCH.
H. S. G. McCARTNEY.

The report and resolution read.

On motion, the report and resolution were ordered printed in the Journal and referred to Committee on Contingent Expenses and Accounts.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Also: Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Also: Senate Bill No. 778—An Act to provide for drainage by irrigation districts.

Also: Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Also: Committee Substitute for Senate Bill No. 555—An Act to amend Sections 337 and 339 of the Code of Civil Procedure, relating to the time within which certain actions must be commenced.

Also: Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended the following: Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates—and respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry—and respectfully request that your honorable body recede from the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 148 read first time, and referred to Committee on Judiciary.

Senate Bill No. 583 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 778 read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Senate Bill No. 578 read first time, and ordered on file without reference.

Senate Bill No. 643 read first time, and referred to Committee on Banks and Banking.

Committee Substitute for Senate Bill No. 555 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 242?"

SENATE AMENDMENTS.

By striking out of Section 1, line 8, the word "state," and inserting in lieu thereof the word "county."

Also: Strike out of Section 1, line 10, the word "controller," and in lieu thereof insert the word "auditor."

Also: On line 14, same section, strike out the word "state," and insert in lieu thereof the word "county."

On motion, the consideration of Senate amendments to Assembly Bill No. 242 placed on file as unfinished business.

Senate Bill No. 106 placed on file for further consideration.

SECOND READING OF BILLS.

Assembly Bill No. 872—An Act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasurers of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditures by the counties of the moneys so paid.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "State Forester," in Section 3 on line 1, second page, printed bill, and inserting in lieu thereof the following: "Surveyor-General."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 872 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of the Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 872, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Assembly Bill No. 230—An Act making an appropriation of one thousand dollars ($1,000) to pay the claim of Edward W. Lehner against the State of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 230 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 230, and do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 327—An Act to add a new section to the Penal Code, to be known as Section 628½, relating to the taking of shrimps.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 827—An Act to create the office of State Game Warden, and to define his powers and duties, and to provide for the protection of the game by the use of such moneys only as are contributed by those who kill it.

During second reading of bill, the following amendments were submitted by Mr. Root:

AMENDMENT No. 1.

Amend by striking out all of Section 1 of printed bill, and inserting in lieu thereof the following:

"SECTION 1. The office of State Game Warden is hereby created. The Governor shall appoint within sixty days after the passage of this Act a suitable person as State Game Warden, to hold office during his pleasure, who shall be fully conversant with the habits, habitats, and distribution of the game birds and animals of the State of California, and with a sufficient knowledge thereof to be able to name and classify them."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 3, line 13 of printed bill, the word "warden" and inserting in lieu thereof the following: "wardens."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 4, line 2 of printed bill, the comma after the word "game." Also the comma after the word "game" in Section 6, line 11.

Amendment adopted.

AMENDMENT No 4.

Amend by striking out all of Section 5 of printed bill, and inserting in lieu thereof the following:

"SEC. 5. The State Game Warden shall be charged with the execution of all laws enacted for the preservation of the game birds and animals of the State, the preparation of all hunting licenses, and all other acts and duties relating to the preservation of the game birds and animals now required to be performed by the Board of Fish Commissioners."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 38—An Act to prevent the destruction of young forest trees.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No 903 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 903, and do now report the same back, and recommend that the same do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing or relocation of bridges over navigable waters between said counties jointly with other persons or corporations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the board of trustees in the City of Sacramento," approved March 22, 1886.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 932—An Act adding a new section to the Penal Code of California, to be numbered Section 1534, establishing the method of determining the average daily attendance of each common school district, of each high school of each county, of each city and county, and of the State of California, and defining the words "average daily attendance," as used in this Code.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, relating to the age of children referred to therein.

Bill read second time.

Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Bill read second time.

Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for the patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 808, 838, and 931.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 808, 838, and 931 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 808.
Also: Assembly Bill No. 838.
Also: Assembly Bill No. 931.
And do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered to engrossment.

Assembly Bill No. 871—An Act to provide for the formation, organization, and classification of new counties, for locating county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

During second reading of bill, the following amendments were submitted by Mr. Otis:

AMENDMENT No. 1.

Amend by inserting after the word "county," on page 2, in line 21 of Section 1 of the printed bill, the following: "nor shall any such new county include the county seat of any existing county."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, line 20 of the printed bill, the words "seven hundred and fifty," and inserting in lieu thereof the following: "one thousand."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "portions," on line 20, in Section 2 of the printed bill, the following: "*and provided further*, that in case of incorporated cities or towns within the territory of the proposed new county, separate petitions must be presented from such cities or towns signed by at least one half of the qualified electors of each of said cities or towns."

Amendment adopted.

By Mr. Thompson of Los Angeles:

Amend by striking out of Section 2, lines 156 to 158 of printed bill, the comma following the word "boundaries," and the words "*provided*, that any changes made by said board shall not reduce the population of the proposed new county to less than six thousand," and inserting in lieu thereof a period.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 490—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto four new sections, to be numbered 637*b*, 637*c*, 637*d*, and 637*e*, all relating to protection of wild birds, other than game birds, and their nests and eggs.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "the," on line 23, second page, printed bill, and inserting in lieu thereof the following: "all."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "to the said Board of Fish Commissioners," on line 6, Section 5, third page, printed bill, and inserting in lieu thereof the following: "into the State Treasury to the credit of the Game Preservation Fund."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 517—An Act to appropriate $20,000 out of any money in the State Treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of the title on first page, printed bill, and inserting in lieu thereof the following: "An Act to provide for permanently draining Lake Earl, in Del Norte County, and making an appropriation therefor."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of the bill after the enacting clause, first page, printed bill, and inserting in lieu thereof the following:

SECTION 1. It is hereby made the duty of the Commissioner of Public Works, without unnecessary delay, to proceed to prepare plans and specifications and estimates of cost for the construction of a canal for the purpose of draining Lake Earl, Del Norte County, into the Pacific Ocean.

SEC. 2. Whenever the Governor of the State of California is informed by the Auditor of Del Norte County that there has been paid into the treasury of Del Norte County the full sum of fifteen thousand dollars ($15,000) for the purpose mentioned in this Act, then the Governor shall direct the Commissioner of Public Works to proceed with the construction and completion of said canal.

SEC. 3. It shall be the duty of the Commissioner of Public Works to approve all claims for labor done on, and for all material furnished for, the construction of said canal, and certify the same to the proper public officer. All claims against the funds in the treasury of Del Norte County shall be examined, audited, allowed, and paid by the same officers and in the same manner as county charges are examined, audited, allowed, and paid. All claims against the funds hereinafter appropriated by this Act shall be examined, audited, allowed, and paid by the same officers and in the same manner as charges against the State for similar claims are examined, audited, allowed, and paid. All public officials herein mentioned are hereby required to receive and disburse the moneys herein mentioned and to perform the duties herein imposed without any fee, perquisite, extra salary, or compensation, or any charge, except the fees and salary now allowed such officers, and all of such duties shall be deemed and considered as a part of the official duties of such officers, and, for the faithful performance of such duties, each of said officers shall be liable on his official bond.

SEC. 4. None of the moneys herein mentioned shall be used for the payment of any officer, or employé, except for materials and appliances furnished, and for manual labor, and no clerk, superintendent, overseer, boss, or secretary may be appointed or employed or paid out of any of such moneys.

SEC. 5. For the purpose of carrying out the provisions of this Act there is hereby appropriated the sum of fifteen thousand dollars ($15,000).

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 517 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 517, and do now report the same back, with amendments, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Assembly Bill No. 796—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 796 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 796, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 518—An Act to add a new section to the Code of Civil Procedure, to be designated section eleven hundred and sixty-six *a* (1166*a*), relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 225—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 10, Section 1 of the printed bill, strike out "six," and insert "ten."

Amendment adopted.

AMENDMENT No. 2.

In line 16, Section 1 of the printed bill, strike out "three," and insert "five."

Amendment adopted.

AMENDMENT No. 3.

In line 18, Section 1 of the printed bill, strike out "ten," and insert "twenty."

Amendment adopted.

AMENDMENT No. 4.

After line 19, Section 1 of the printed bill, insert as follows:

Provided, That in case of landslides, washouts, storms, wrecks, or other unavoidable casualty temporarily preventing the furnishing of cars, the time during which the moving of trains is so obstructed shall be added to said several periods for so furnishing cars before demurrage charges shall begin to accrue.

Amendment adopted.

AMENDMENT No. 5.

In line 5, Section 3 of the printed bill, strike out "twenty," and the hyphen.

Amendment adopted.

AMENDMENT No. 6.

In line 2, Section 4 of the printed bill, after the word "cars," insert "upon demand therefor."

Amendment adopted.

AMENDMENT No. 7.

In line 2, Section 4 of the printed bill, after the word "the," and before "agent," insert "nearest."

Amendment adopted.

AMENDMENT No. 8.

In line 11, Section 4 of the printed bill, strike ont the word "twenty," and the hyphen.

Amendment adopted.

AMENDMENT No. 9.

In line 8, Section 5 of the printed bill, strike out the word "twenty" and the hyphen.

Amendment adopted.

AMENDMENT No. 10.

In line 1, Section 7 of the printed bill, before the first word, insert "Section 7."

Amendment adopted.

AMENDMENT No. 11.

In line 1, Section 7 of the printed bill, strike out the last word, and the first word in line 2, and insert in lieu thereof, "January 1, 1909."

Amendment adopted.

AMENDMENT No. 11½.

Insert after the word "same," line 3, Section 5, printed bill, as follows: "At the most convenient place and position for unloading and to furnish the necessary appliances therefor."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase and diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation of a consolidated bonded indebtedness by two or more corporations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 540—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of cities, towns, additions to

cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 421—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendent the grand jury is bound to hear evidence on his behalf.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

At the beginning of line 3, Section 1 of the printed bill, insert the figures "920."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of line 10 of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 853—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 580—An Act to add a new section to the Code of Civil Procedure, relating to costs in civil actions, to be numbered 1040.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

During second reading of bill, the following amendment was submitted by the committee:

After the word "resort," in line 4 of Section 2 of the printed bill, insert the following: "room, apartment, tenement."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action for divorce, during the pendency of the action at the final hearing, or at any time thereafter, and providing a penalty for such failure.

During second reading of bill, the following amendment was submitted by the committee:

Strike out after the word "shall," in line 3 of Section 1 of the printed bill, the following words: "fail to endeavor in good faith," and insert in lieu thereof the following: "refuse or neglect."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 821—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 821 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 821, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 906—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 906 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 906, and do now report the same back, and recommend that it do pass

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to corporations.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the word "law" at the end of line 14, Section 2, second page, printed bill, the following: "of the jurisdiction."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2023 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting before the word "Civil," on line 1, Section 1, first page, printed bill, the following: "Code of."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "Code," on line 2, Section 1, first page, printed bill, and inserting in lieu thereof the following: "Procedure."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "indifferent," on line 6, Section 1, first page, printed bill, and inserting in lieu thereof the following: "disinterested."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "written," on line 11, Section 1, second page, printed bill, the following: "in the body or margin of, or."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting after the word "witness," on line twelve, Section 1, second page, printed bill, the following sentence: "The officer before whom the deposition is taken must write his initials near said corrections."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "for good cause shown," on line 20, Section 5, third page, printed bill, and inserting in lieu thereof the following: "after a hearing had upon two days' notice to the opposite party."

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting before the word "him," on line 9, Section 6, fourth page, printed bill, the following: "to."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relating to the liens of mechanics, miners, and others upon real property.

Bill read second time, and ordered to engrossment.

CONSIDERATION OF SENATE BILLS.

Senate Bill No. 174—An Act to amend Section 3414 of the Political Code, relating to actions to determine the right to purchase State lands.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding after the word "determined," in line 21, Section 1 of the printed bill, the following:

"*Provided*, that when any contest arises as provided for in this section and Section 3414 of this Code, there must be filed with the Surveyor-General a statement by the contestant of the grounds of contest, and such statement, other than as to matters of record or law, must be corroborated by the affidavit of some competent person having personal knowledge of the facts set forth therein.

"SEC. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "from his," in line 3, Section 9 of the printed bill and inserting in lieu thereof the words "having a."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the following words: "if requested by either party; and he may state the testimony," found in lines 21 and 22, Section 1, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 542—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 274—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 645—An Act making an appropriation of $4,000, to be expended by the Trustees of the State Normal School at Los Angeles for any assessments levied by the City of Los Angeles on the land of the State Normal School of Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements on Grand Avenue and Fifth Street, fronting on said property.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 645 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 645, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 222 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 222, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 602—An Act to amend the Penal Code by adding thereto two new sections, to be designated as Sections 367*b* and 367*c*, to provide against the offense of hazing.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to the power of county boards of education.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of lines 36, 37, 38, and 39, second page, printed bill, and inserting in lieu thereof the following:

(5) To adopt a list of books and apparatus for district school libraries and books for supplementary use in primary and grammar schools in their respective counties, and cities and counties, as required by section seventeen hundred and twelve of the Political Code; *provided*, that no pupil shall be required to purchase said supplemental books, and pupils must be expressly notified by teachers that it is not required or desirable that such books for such supplemental use be purchased by pupils or parent. When supplemental books are purchased they must be paid for by the school district. Except in cities having a city board of education, to prescribe and enforce in the public schools a course of study and the use of a uniform series of text-books.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of lines 74, 75, 76, 77, 78, 79, and 80, third page, printed bill, and inserting in lieu thereof the following:

8. Except in cities having boards of education, to issue diplomas of graduation from any of the public schools of the county, which diplomas shall be designed by the Superintendent of Public Instruction, and be distributed as other blanks from his office. Said diplomas of graduation shall be signed by the president and secretary of the county board of education and by the principal and grade teacher of the school, and shall admit without examination the holder thereof to any high school in the State.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "fifty," Section 1, in line 3, first page, printed bill, and inserting in lieu thereof the following: "twenty-five."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figures "50," Section 1, in line 3, first page, printed bill, and inserting in lieu thereof the following: "25."

Amendment adopted.

Bill read second time.

Mr. John moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 67 considered.

Mr. John moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 67, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and on file for third reading.

Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "sixty-eight," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "thirty-nine."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figures "68," Section 1, line 1, first page, printed bill, and inserting in lieu thereof the following: "39."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "twenty-five," Section 1, in line 7, first page of printed bill, and inserting in lieu thereof the following: "twenty."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the figures "25," Section 1, line 7, first page, printed bill, and inserting in lieu thereof the following: "20."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "for the completion of the barn and the furnishing thereof, sixteen thousand ($16,000.00) dollars," Section 1, on lines 8 and 9, first page of printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "for the construction of poultry houses, four thousand ($4,000.00) dollars," Section 1, lines 14 and 15, first page of printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the words "for the construction of swine, store, and work rooms, four thousand ($4,000.00) dollars," Section 1, on lines 16 and 17, second page, printed bill.

Amendment adopted.

Bill read second time.

Mr. John moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 92 considered.

Mr. John moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 92, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and on file for third reading.

Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Bill read second time.

Mr. John moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 66 considered.

Mr. John moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 66, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying and receiving of stolen property.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Insert in line 13, Section 1, of the amended printed bill, after the word "either," the following: "to maintain the ward and his family or to maintain and educate the ward when a minor, or."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "in," in line 15 of Section 1 of the amended printed bill, and insert in lieu thereof the word "on."

Amendment adopted.

AMENDMENT No. 3.

Insert in line 22 of Section 1 of the amended printed bill, after the word ' the," the following: "facts and circumstances showing the insufficiency of the income of the estate under guardianship to maintain the ward and his family or to maintain and educate the ward when a minor and the."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different managements.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "a block within the meaning of this section shall be construed to mean a distance of 600 feet, exclusive of cross streets and intersecting streets," on lines 15, 16, and 17 of second page of printed bill.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 654—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 362—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599*f*, both relating to the killing of any elk within the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public places of amusement for more than the original price thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure and to repeal Section 140 thereof, both relating to proceedings in case of absence of judge.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding courts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto, to be known as Section 273*f* thereof, both relating to the protection of children under eighteen years of age.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6*a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Thompson of San Francisco moved a call of the House.

Motion carried.

Time, nine o'clock and fifteen minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lucas, Lynch, McClellan, McConnell, O'Brien, Otis, Pierce, Root, Snyder, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Lucas, Lynch, McConnell, O'Brien, Otis, Pierce, Root, Snyder, Strohl, Thompson of San Francisco, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Messrs. Estudillo, Johnson of San Diego, Lemon, and Thompson of Los Angeles—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 582 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Boyle, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, O'Brien, Otis, Pierce, Root, Snyder, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 484 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Bishop, Boyle, Butler, Case, Cogswell, Cornish, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, O'Brien, Otis, Pierce, Root, Snyder, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make

objections to balanced or written-up passbook or bankbook, or statements of his deposit account within a certain time, or be concluded thereby.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 893 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Bishop, Boyle, Campbell, Case, Cogswell, Cullen, Cutten, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Root, Snyder, Strohl, Strobridge, Thompson, of San Francisco, Toomey, Transue, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—43.

NOES—Messrs Cornish, Davis, Hans, Higgins, Leeds, Lucas, Stetson, Thompson of Los Angeles, and Weske—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

Bill read third time, and ordered on file for further consideration.

Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 831 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Root, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1675, relating to the issuance of diplomas to the graduates of the high schools of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 304 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Davis, Devlin, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Higgins, Johnson, of San Diego, Jury, Kelly, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Root, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker.—43.

NOES—Messrs. Barry, Boyle, Coghlan, Cullen, Kohlman, Strohl, and Weske—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 552 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Davis, Forbes, Fratessa, Hammon, Hans, Held, Higgins, John, Johnson of San Diego, Jury, Kelly, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Root, Sackett, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wilson, and Mr. Speaker—42.

NOES—Mr. Estudillo—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposition of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 156 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Case, Cogswell, Cornish, Cutten, Davis, Estudillo, Fratessa, Hammon, Hans, Held, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Root, Sackett, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 855 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Cullen, Davis, Devlin, Estudillo, Hammon, Hans, Held, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Root, Sackett, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 814—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

During third reading of bill, Mr. Pierce moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out of Section 7, line 15 of the printed bill, after the word "indirectly," the period, and insert in lieu thereof a "semicolon" and the following words: "*Provided*, nothing in this Act shall be construed to prohibit members of the medical profession from prescribing for domestic animals in case of emergency, and collecting a fee therefor, nor to prohibit gratuitous services in an emergency, nor to prevent any person from practicing veterinary medicine on any animal belonging to himself or herself."

Also: Amend Section 8 by striking out of Section 8, line 11, after the word "state," the period, and insert in lieu thereof a "comma" and the following words: "nor to employés of licensed veterinarians legally qualified to practice as such under the provisions of this Act."

Motion carried.

The Speaker appointed Mr. Pierce as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 814, with instructions, do now report that the instructions of the Assembly have been carried out.

PIERCE, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 812 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Bovle, Butler, Campbell, Chandler, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Estudillo, Fratessa, Hammon, Hans, Held, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Pierce, Root, Sackett, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 894 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Cornish, Cullen, Drew, Estudillo, Fratessa, Hammon, Hans, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McConnell, McKeon, O'Brien, Otis, Pierce, Root, Sackett, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Wilson, and Mr. Speaker—43.

NOES—Messrs. Cutten, Davis, Devlin, Weske, and Whitmore—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 531 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fratessa, Hammon, Hans, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Root, Sackett, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Whitmore, Wilson, and Mr. Speaker—44.

NOES—Messrs. Barry, Estudillo, and Lemon—3.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read (unanimous consent having been obtained for their reception):

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of sixty-eight ($68) dollars in favor of Globe Transfer, Van & Storage Co., same being for the payment of the following bill attached.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fratessa, Hammon, Hans, Held, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Root, Sackett, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—49.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Transue:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of five hundred and seventy-six dollars and seventy-six ($576.76) one-hundredths in favor of Hugh Braunton, same being for the payment of the following bills attached.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fratessa, Hammon, Hans, Held, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, Otis, Pierce, Root, Sackett, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was submitted (unanimous consent having been obtained for its reception):

By Mr. Pierce:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of six hundred and thirty-eight dollars and thirty-five cents ($638.35) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

Department of State Printing	$14 00
Schaw, Batcher Co.	4 75
Scott, Lyman & Stack	357 70
John Breuner Co.	27 35
Mrs. C. Mackall	5 00
N. Harvie	26 00
Capital Furniture Co.	165 05
Kane & Trainor Ice Co.	21 00
Fashion Stables	17 50
Total	$638 35

Resolution ordered printed in the Journal, and referred to Committee on Contingent Expenses and Accounts.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced and referred as indicated (unanimous consent having been obtained for its reception):

By Mr. Thompson of San Francisco: Assembly Bill No. 1020—An Act to change, establish and permanently locate the boundary line of the County of Fresno.

Bill read first time, and referred to Committee on Counties and County Boundaries.

ADJOURNMENT.

At ten o'clock and forty-seven minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Tuesday, February 26, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, February 26, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—67.

Quorum present.

PRAYER.

Prayer was offered by Rev. Herbert B. Johnson of Berkeley.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Thompson of San Francisco, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for this day: Messrs. McGuire and Eshleman.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Also: Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

And report the same back, and recommend that they do pass.

Also: Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts—and report the same back, with one amendment.

Also: Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts—and report the same back, with seven amendments.

Also: Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class—and report the same back, with two amendments.

Also: Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901 by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class—and report the same back, with one amendment.

And recommend that they do pass, as amended.

THOMPSON of Los Angeles, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the Controller be and is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of six hundred and thirty-eight dollars and thirty-five cents ($638.35) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

Department of State Printing	$14 00
Schaw, Batcher Co.	4 75
Scott, Lyman & Stack	357 70
John Breuner Co.	27 35
Mrs. C. Mackall	5 00
N. Harvie	26 00
Capital Furniture Co.	165 05
Kane & Trainor Ice Co.	21 00
Fashion Stables	17 50
Total	$638 35

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Smith, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

We, your Joint Committee, appointed to draw up resolutions of respect to the memory of the late John Joseph Burke, beg leave to report as follows:

WHEREAS, In the course of Divine destiny, the hand of death has claimed from among us an honored and beloved member, John Joseph Burke; and

WHEREAS, As a mark of respect to his memory, and in accordance with the wishes of our hearts to express the deep feeling of bereavement in our loss, we desire to make record thereof; now, therefore, be it

Resolved, That in the untimely demise of John Joseph Burke, the Legislature of California lost from its numbers a member of unimpeachable integrity, possessed of ability of high order, tireless energy, and unselfish and high ideals. He had a genial wit, a solicitude for the rights of others, and a most lovable and kind disposition. His was a hand ever ready to assist where assistance was needed; his a heart ready with sympathy, reaching beyond the lines of creed or party. Standing, as he did, at the threshold of a career brilliant with promise, honored by attainment in the past, he was a type and symbol of the glory of a free land where no prince gives knighthood, but going forth with the accolade of a good mother, a man's deeds and manners confirm in him the only nobility we recognize—the nobility of personal worth. In thus feebly expressing the sentiment of our hearts, and handing down a record thereof for the years that are to come, we extend to the bereaved family of the deceased our deep and sincere sympathy in their loss, and commend to ourselves and the generation, of which he made one, the sweetness and genuine worth of his all too brief career; and be it further

Resolved, That the Chief Clerk be and he is hereby authorized to have the foregoing resolutions suitably engrossed and framed and delivered to the family of deceased, and

the Controller is hereby directed to draw his warrant in favor of Clio Lloyd, Chief Clerk, in the sum of one hundred dollars, payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same; be it further

Resolved, That a copy of this resolution be recorded in the Journal of this House, and a copy thereof be engrossed and sent to the family of the deceased.

J. P. TRANSUE.
JOHN W. STETSON.
FRANK R. DEVLIN.
C. P. CUTTEN.
W. L. MCGUIRE.
J. CLEM BATES.
E. I. WOLFE.
GUS HARTMAN.
HENRY W. LYNCH.
H. S. G. MCCARTNEY.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Smith, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your joint committee, appointed under Assembly Concurrent Resolution No. 11, to arrange for the participation by the members of the Legislature at the funeral obsequies of Hon. John J. Burke, late member of the Assembly, hereby respectfully report, that in pursuance of the purpose of our appointment, arrangements were made whereby the members of the Senate and Assembly attended the funeral of our late member in the City of Oakland, California, on January 22, 1907, and in connection therewith the following expenses were incurred, viz:

Freeman & McManus, funeral expenses	$550 00
St. Mary's Cemetery, burial plot, etc.	8 00
Adjutant-General J. B. Lauck, military escort, etc.	212 11
Southern Pacific Railroad Company, transportation	405 00
Hugh McWilliams, floral pieces	200 00
Elks' Quartette, services	20 00
J. T. Stafford, expenses	41 00
Ben Cohn, expenses	15 00
Independent Transfer Company, drayage	10 00
E. H. Cox & Son, draping desk	16 00
Total	$1,477 11

And we recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby authorized to draw his warrant for the amount of one thousand four hundred seventy-seven and eleven one-hundredths dollars in favor of Frank J. O'Brien, Chairman of said Joint Committee, payable out of the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same.

Respectfully,

FRANK J. O'BRIEN,
J. P. TRANSUE,
P. M. WALSH,
Committee.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

BERRY, Chairman.

The report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Case, Coghlan, Collister, Cornish, Costar, Cullen, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or ballot machines, defining their power, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result of such elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 506—An Act to amend Section 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

STETSON, Chairman.

The above reported bills ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 857—An Act to appropriate money for payment of the claim of Dr. Arthur Marten against the State of California for damages for wrongs and injuries inflicted upon him by the negligence of the State of California, and directing the payment thereof, and dismissing all litigation against the State, and all State institutions, and officials arising out of or connected therewith, now pending in any of the courts—have had the same under consideration and respectfully report the same back, and recommend that it be referred to the Committee on Judiciary.

CULLEN, Chairman.

Assembly Bill No. 857 referred to Committee on Judiciary.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

Also: Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 113—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632*b*, all relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 452—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

CORNISH, Chairman.

The above reported bills, with the exception of Assembly Bill No. 526, ordered on file for second reading.

Assembly Bill No. 526 referred to Committee on Ways and Means.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Also: Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

JURY, Chairman.

The above reported bills ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 571—An Act to amend Sections 3093, 3094, and 3095 of the Political Code of the State of California, relating to dissection, approved March 12, 1892—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 711—An Act to amend Sections 337, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced—report the same back, with recommendation that it do pass.

Also: Assembly Bill No. 885—An Act to add to the Code of Civil Procedure of the State of California a new section, to be numbered 530½, relating to injunctions—report the same back, with recommendation that it do pass.

Also: Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised—report the same back, with three amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code and repeal Sections 384*a* and 384*b* of said Penal Code, all relating to forest fires—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 622—An Act amending Section 1578 of the Code of Civil Procedure relating to mortgages by executors, administrators, and guardians in certain cases—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 537—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 596—An Act to amend Section 199 of the Code of Civil Procedure of the State of California, relative to competency of jurors—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 653*e*, relating to tipping—report the same back, without recommendation.

Also: Assembly Bill No. 620—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising to procure abortions—report the same back, and recommend that it do pass.

Also: Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 868—An Act to amend Section 1240 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203*a*, relating to liens—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 949—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon—report the same back, without recommendation.

Also: Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 209—An Act prohibiting discrimination between different sections, communities, or localities, unfair competition, and providing penalties therefor—report the same back, with one amendment, and recommend that it do not pass.

Also: Assembly Bill No. 635—An Act to regulate the keeping of large trees and to forbid the growing and planting thereof in such places and in such manner as may endanger or damage adjoining property—report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 749—An Act repealing an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employés of State institutions," approved March 19, 1903—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 938—An Act to amend Section 1578 of the Code of Civil Procedure, relating to proceedings to obtain an order for the mortgage of real property by the administrator of any estate or the guardian of any minor or incompetent person—report the same back, with three amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 897—An Act to amend Section 869 of the Penal Code, relating to the taking and authentication of testimony at preliminary examinations—report the same back, and recommend that it do pass.

Also: Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert—report the same back, without recommendation.

Also: Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen—report the same back, without recommendation.

Also: Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded—with five amendments, and recommend its passage as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

RE-REFERENCE OF BILL.

On motion of Mr. Bishop, Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift or condemnation, and for extending, straightening, locating, improving and maintaining the channels of such streams, water courses, cañons or washes, and confining said waters in said channels and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907—was recalled from the Committee on Swamp and Overflowed Lands and Drainage, and referred to Committee on Levees and River Improvements.

RECONSIDERATION OF VOTE REFUSED.

In accordance with notice given on yesterday, Mr. Held moved that the vote whereby Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Stanton moved a call of the House.

Motion carried.

Time, eleven o'clock and ten minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—66.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Percival and Campbell were brought before the bar of the House and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and twenty-two minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Stanton.

The roll of absentees was called.

Whereupon the Speaker announced that the Assembly refused to reconsider by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Bishop, Boyle, Campbell, Coghlan, Cullen, Estudillo, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, McGuire, Pierce, Root, Smith, Stanton, Strohl, Strobridge, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—38.

NOES—Messrs. Berry, Birdsall, Bush, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Forbes, Johnson of Sacramento, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Snyder, Spaulding, Stetson, Thompson of Los Angeles, and Weske—31.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of eleven o'clock and thirty minutes A. M., having arrived.

The special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

During second reading of the bill, the following amendments were submitted by Mr. Estudillo:

AMENDMENT No. 1.

Amend printed bill, page 2, by inserting the following, between lines 39 and 40 thereof: "For salaries of three deputy clerks of District Courts of Appeal, ten thousand eight hundred dollars."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "to," between the words "salary" and "stenographer," on line 79, page 3 of printed bill, and insert in lieu thereof the word "of."

Amendment adopted.

By Mr. Johnson of Sacramento:

AMENDMENT No. 3.

Amend by striking out of Section 1, lines 71 and 72 of printed bill, the words "twenty-four hundred," and inserting in lieu thereof the following: "three thousand."

Amendment lost.

By Mr. Transue:

AMENDMENT No. 4.

Amend by striking out of Section 1, line 133 of printed bill, the word "Secretary's and inserting in lieu thereof the following: "Secretary of State is."

Amendment adopted.

By Mr. Estudillo:

AMENDMENT No. 5.

Insert the word "furnished" between the words "materials" and "by," on line 90, page 4 of the printed bill.

Amendment adopted.

Also:

AMENDMENT No. 6.

Insert the letter "s" after the word "material," on line 145, page 5 of the printed bill. Also, strike out the "etc." on line 157, page 50 of the printed bill.

Amendment adopted.

By Mr. Chandler:

AMENDMENT No. 7.

Amend by striking out of Section 1, line 212 of printed bill, the words "eight hundred," and inserting in lieu thereof the following: "ten hundred."

Amendment lost.

By Mr. Transue:

AMENDMENT No. 8.

Amend by striking out of page 8, line 252 of printed bill, the words "one thousand," and inserting in lieu thereof the following: "twelve hundred."

Amendment adopted.

Also:

AMENDMENT No. 9.

Amend by striking out of page 8, line 254 of printed bill, the words "five hundred," and inserting in lieu thereof the following: "seven hundred fifty."

Amendment lost.

Also:

AMENDMENT No. 10.

Amend by striking out of page 8, line 255 of printed bill, the "comma" after the word "maps," and inserting in lieu thereof the following: "and records."

Amendment adopted.

Also:

AMENDMENT No. 11.

Amend by striking out of page 8, line 256 of printed bill, the words "one thousand," and inserting in lieu thereof the following: "forty-eight hundred."

Amendment adopted.

Also:

AMENDMENT No. 12.

Amend by striking out of page 8, line 259 of printed bill, the words "one thousand," and inserting in lieu thereof the following: "twelve hundred."

Amendment lost.

Also:

AMENDMENT No. 13.

Amend printed bill, by inserting after line 263, on page 8 of printed bill, the following: "for compiling and indexing the maps and papers of the State Board of Tide Land Commissioners, four thousand dollars."

Amendment lost.

By Mr. Sackett:

AMENDMENT No. 14.

Amend by striking out of Section 1, line 281 of printed bill, the words "one thousand five hundred," and inserting in lieu thereof the following: "two thousand six hundred."

Amendment adopted.

By Mr. Weske:

AMENDMENT No. 15.

Amend by inserting after the word "hundred," on line 274, ninth page, printed bill, the following: "dollars."

Amendment adopted.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 975 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years—and do now report progress and recommend that the committee be allowed to re-sit.

BEARDSLEE, Chairman.

Bill ordered on second-reading file for further consideration.

RE-REFERENCE OF BILL.

On motion of Mr. Costar, Senate Bill No. 411—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof—was re-referred to Committee on Education.

THIRD READING OF SENATE BILLS.

Committee Substitute for Senate Bill No. 433—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16 and 17 of an Act entitled: "An Act to regulate the practice of pharmacy in the State of California" (approved March 20, 1905), and to add a new section thereto, to be numbered eighteen and one-half, all relating to the practice of pharmacy and providing a penalty for the violation thereof and for the appointment of a board to be known as the California State Board of Pharmacy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 433 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Leeds, Lemon, Ludington, Lynch, McKeon, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Weske, Wilson, and Mr. Speaker—52.

NOES—None.

Mr. Hartmann moved that the title of Committee Substitute for Senate Bill No. 433 be amended as follows:

By striking out after the figures "1905," in parenthesis, the following: "and to add a new section thereto, to be numbered eighteen and one half, all."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, and transmitted to the Senate.

Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

During third reading of the bill, Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by inserting after the word "dollars," on line 18, second page of printed bill, the following: "also for the preparation of plans for the removal of seepage and surplus water by drainage, and investigations of the use of different kinds of power and appliances for drainage, five thousand dollars."

Also: Amend by inserting in the title, in line 3 thereof, after the word "State," as follows: "and providing for drainage and investigations of the use of different kinds of power and appliances for drainage."

Motion carried.

The Speaker appointed Mr. Drew as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 58, with instructions, do report that the instructions of the Assembly have been carried out.

DREW, Select Committee.

Report of select committee, and amendments, adopted.

Mr. Drew moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 58 considered.

Mr. Drew moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 58, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill read third time, and ordered to print and on file for passage.

Senate Bill No. 351—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 351 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Ludington, Lynch, McClellan, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—53.

NOES—Mr. Devlin—1.

Title read and approved.

Bill ordered on file for further consideration.

Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 569 finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Ludington, Lynch, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 71—An Act to amend Section 3881 of the Political Code, relating to the correction of clerical omissions, errors, or defects in the assessment books.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 71 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Boyle, Bush, Butler, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Leeds, Lemon,

Ludington, Lynch, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 123—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to the powers of the board of trustees of cities of the sixth class.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Walsh moved that the vote whereby Senate Bill No. 123 was refused passage, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Boyle, Campbell, Cornish, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McKeon, Percival, Pierce, Root, Sackett, Snyder, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Wilson, and Mr. Speaker—45.

NOES—Messrs. Cogswell, Costar, Davis, Hans, Otis, Pyle, Spaulding, Strobridge, Weske, and Wyatt—10.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 123 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Coghlan, Cullen, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McGuire, O'Brien, Pierce, Root, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Whitmore, Wilson, and Mr. Speaker—43.

NOES—Messrs. Birdsall, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Held, Higgins, Johnson of San Diego, Lucas, McClellan, McKeon, McMullin, Otis, Percival, Pyle, Sackett, Stetson, Strobridge, Weske, and Wyatt—27.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

During third reading of the bill, Mr. Weske moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by inserting after the word "favor," on line 11, first page of printed bill, the following: "of the."

Motion carried.

The Speaker appointed Mr. Weske as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 23, with instructions, do now report that the instructions of the Assembly have been carried out.

WESKE, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and on file for third reading.

Senate Bill No. 91—An Act to add a new section to the Penal Code, to be numbered Section 1520, relating to the holding of inquests by the coroner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 91 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 504—An Act to amend Section 11 of an Act entitled "An Act to establish law libraries," approved March 1, 1891, and relating to the use of books in such libraries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 504 finally passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 364—An Act appropriating $13,500 to complete the buildings, equipment, and furnishing of the State Normal School at San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 364 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Butler, Case, Cogswell, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 477—An Act to amend Section 109 of the Penal Code, relating to assisting prisoners, paroled prisoners, and escapes to escape.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 477 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 587—An Act to make an appropriation for the location, survey, and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 587 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 290—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace, and reconstruct, and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing the State Controller to draw his warrant for the said sum, and the State Treasurer to pay the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 290 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—66.

NOES—Mr. Beban—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Mr. Transue moved that the Assembly refuse to recede from Assembly amendment to Senate Bill No. 106, and that the Speaker appoint a committee on conference to meet with a like committee to be appointed by the Senate.

Motion duly seconded and carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker thereupon appointed as such committee: Messrs. Snyder, Chandler, and Held.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 242?"

SENATE AMENDMENTS.

By striking out of Section 1, line 8, the word "state," and inserting in lieu thereof the word "county."

Also: Strike out of Section 1, line 10, the word "controller," and in lieu thereof insert the word "auditor."

Also: On line 14, same section, strike out the word "state," and insert in lieu thereof the word "county."

The roll was called, and Senate amendments to Assembly Bill No. 242 were concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—61.

NOES—None.

Assembly Bill No. 242 ordered to reëngrossment and enrollment.

RECONSIDERATION.

In compliance with the notice given on a previous day, Mr. Coghlan moved that the vote whereby Assembly Bill No. 794—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers—was passed, be reconsidered.

The roll was called, and the Assembly refused to reconsider by the following vote:

AYES—Messrs Baxter, Beban, Beckett, Bell, Berry, Boyle, Campbell, Coghlan, Cullen, Finney, Fisher, Fratessa, Hans, Hartmann, Held, Higgins, Johnson of San Diego, Kelly, Kohlman, Pyle, Root, Strohl, Strobridge, Thompson of San Francisco, Toomey, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—31.

NOES—Messrs. Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hewitt, Johnson of Sacramento, Leeds, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Walsh, and Weske—37.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Baxter moved that the vote whereby Assembly Bill No. 204—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation—was passed, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lucas, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—55.

NOES—Messrs. Collister and Cornish—2.

During the consideration of the bill, Mr. Baxter moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out the words "from its passage," in Section 21, and inserting in lieu thereof the following: "January 1, 1908."

Motion carried.

The Speaker appointed Mr. Baxter as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 204, with instructions, do now report that the instructions of the Assembly have been carried out.

BAXTER, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint and reëngrossment.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson moved that the vote whereby Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children—was refused passage, be reconsidered.

On motion of Mr. Wyatt, the further consideration of Assembly Bill No. 132 was made a special order for eleven o'clock A. M. of Monday, March 4, 1907.

WITHDRAWAL OF BILL.

Mr. Lynch asked for and was granted unanimous consent to withdraw Assembly Bill No. 680—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 206—An Act compelling railroads doing business in this State as common carriers of passengers and freight to have, keep, operate, and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to keep, operate, and maintain freight warehouses for the purpose of receiving and discharging freight, in any municipal corporation, incorporated city, or city and county, or incorporated town traversed by the tracks or road of any railroad; also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act.

During third reading of the bill, Mr. McMullin moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by inserting after the word "town," on line 8, Section 1, second page, printed bill, the following: "if such municipal corporation, incorporated city, or city and county, or incorporated town is the county seat of any county in this State"

Also: Amend by striking out the words "incorporated city, or city and county, or incorporated town," on lines 10 and 11, Section 1, second page, printed bill.

Also: Amend by striking out the word "have," on line 13, Section 1, second page, printed bill.

Also: Amend by inserting after the word "also," on line 3, Section 2, second page, printed bill, the following: "have."

Also: Amend by inserting after the word "town," on line 5, Section 2, second page, printed bill, the following: "if such municipal corporation, incorporated city, or city and county, or incorporated town is the county seat of any county in this State."

Motion carried.

The Speaker appointed Mr. McMullin as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 206, with instructions, do now report that the instructions of the Assembly have been carried out.

McMULLIN, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of $300," approved February 18, 1874, and an Act amendatory thereof, approved March 8, 1895.

Assembly Bill No. 458—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Assembly Bill No. 230—An Act making an appropriation of one thousand dollars ($1,000) to pay the claim of Edward W. Lehner against the State of California.

Assembly Bill No. 327—An Act to add a new section to the Penal Code, to be known as Section 628½, relating to the taking of shrimps.

Assembly Bill No. 38—An Act to prevent the destruction of young forest trees.

Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor and designating the fund out of which the expenses of such office shall be paid.

Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties, jointly with other persons or corporations.

Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the Board of Trustees of the City of Sacramento," approved March 22, 1886.

Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Assembly Bill No. 932—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1534, establishing the method of determining the average daily attendance of each common school district, of each high school, of each county, of each city and county, and of the State of California, and defining the words "average daily attendance," as used in this Code.

Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Assembly Bill No. 931—An Act to provide for the re appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Assembly Bill No. 796—An Act to provide for the improvement of the cereal crops of California and appropriate money therefor.

Assembly Bill No. 518—An Act to add a new section to the Code of Civil Procedure, to be designated Section 1166*a*, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.

Assembly Bill No. 226—An Act entitled "An Act to regulate commerce; to define common carriers and their powers and duties; to prohibit common carriers from being interested in certain commodities carried by themselves; to compel common carriers to provide switches and conveniences for the transfer of commodities from one line to another; to compel the convenient exchange and transfer of commodities shipped to be transferred from one line to another; to prohibit the giving of rebates, special rates, drawbacks or other discriminations to shippers and common carriers; to prohibit and prevent discriminations between persons and places; to require the furnishing of facilities for interchange of traffic; to prohibit a greater charge for a short haul than for a long haul of passengers and freight, where the discrimination or preference is to rates within this State; to prohibit the pooling of freight and division of earnings by the common carriers; to compel the filing with the State Board of Railroad Commissioners copies of all contracts or agreements between carriers; to require common carriers to expedite military traffic in time of war or great public necessity; to require continuous carriage of freight unless a break, stoppage or interruption is required; to prescribe liabilities and penalties of common carriers for damages and providing for the recovery of damages and the methods of obtaining redress in certain cases of violations of this Act; to prescribe penalties for the violation of this Act, including penalties imposed upon the carriers guilty of such violation, and also upon trustees, lessees, agents or persons acting for or employed by such carriers; to prescribe penalties for the false billing by carriers and officers or agents; also penalties for false billing by shippers and other persons; to provide penalties for inducing common carriers to discriminate unjustly; to provide for the taking of testimony in certain cases and for taking depositions in proceedings before the State Board of Railroad Commissioners, and the methods for taking such depositions; to provide for the regulation and allowance to be made by the State Board of Railroad Commissioners where transportation is had over more than one line of road and the disposition and apportionment of the proceeds; to provide that proceedings brought under the provisions of this Act shall be expedited in the court and before the State Board of Railroad Commissioners; to provide penalties for false entries of accounts; to provide that carriers shall be liable to lawful holders of bills of lading for loss or damage to property; to provide that certain persons and property may be carried free or at reduced rates; to provide that the remedies herein granted are cumulative and shall not interfere with the other remedies provided by the Constitution of this State or by law.

Assembly Bill No. 540—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Assembly Bill No. 421—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Assembly Bill No. 853—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.

Assembly Bill No. 580—An Act to add a new section to the Code of Civil Procedure, relating to costs in civil actions, to be numbered 1040.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading. Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Assembly Bill No. 24—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602*a*, relating to the tearing down of fences, and the opening of gates, bars and fences, and the hunting upon lands of another, and the killing, maiming, or wounding of any animal, and the leaving of camp fires burning or unextinguished.

Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2658, and relating to the division of general road funds, upon the incorporation of municipalities, or annexation to municipalities.

Assembly Bill No. 383—An Act to amend the Civil Code by adding a new section thereto, to be numbered 1828, relating to delivery or payment of deposits made in the names of two or more persons.

Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding Subdivision 19 thereto.

Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.

Assembly Bill No. 64—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.

Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents, so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities and towns in relation to the State Board of Health.

Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372*a*, declaring it a misdemeanor to spit or discharge mucus upon the public sidewalks, public buildings, trains, cars, stages, ferryboats, steamers, boats, or other vehicles or vessels used for the transportation of the public.

Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Assembly Bill No. 389—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount, and the time and manner of payment of and making an appropriation to pay, the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.

Assembly Bill No 564—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.

Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.

Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto and taxation thereof.

Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relating to studies to be taught in the primary and grammar schools.

Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to duties of Superintendent of Public Instruction.

Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Assembly Concurrent Resolution No. 18—Approving the charter of the City of Long Beach, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for the purpose of ratifying said charter, on the 5th day of February, 1907.

And were presented to the Governor February 26, 1907, at ten o'clock and forty-five minutes A. M.

HANS, Chairman.

WITHDRAWAL OF BILL.

Mr. Ludington asked for and was granted unanimous consent to withdraw Assembly Bill No. 140—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor—it being identical with Senate Bill No. 222, now in this House.

Assembly Bill No. 140 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 222—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 222 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Smith, Snyder, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 798 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Spaulding, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Johnson of Sacramento gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 569 was this day passed.

RE-REFERENCE OF BILL.

On motion of Mr. Johnson of Sacramento, Assembly Constitutional Amendment No. 25—A resolution to propose to the people of California amending Sections 2 and 23 of Article IV of the Constitution—was re-referred to Committee on Constitutional Amendments.

SPECIAL ORDER SET.

On motion of Mr. Estudillo, the further consideration of Assembly Bill No. 975 was made a special order for eight o'clock P. M. of this day.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 456—An Act to repeal Article XVI of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

During third reading of the bill, Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word sections, in line 3 of title, insert the following: "419, 420."

Also: In Section 1, after the words "sections," in line 3, insert the following: "419, 420"

Also: In Section 591, on page 2, line 4, after the word "assistance," insert the following: "and incur traveling and such other expenses as are."

Also: In Section 593, on page 2, strike out the word "ten," in line 2, and insert in lieu thereof the word "twenty."

Also: In Section 594, on page 3, after the word "After," in line 50, strike out the following: "July 1st, 1907," and insert in lieu thereof, the following: "January 1, 1908."

Also: In Section 594, on page 4, after the first word "sixth," in line 54, strike out the following: "Nor do the sixth without having in addition to such $200,000 capital stock at least $50,000 capital stock for such additional kinds of insurance," and insert in lieu thereof the following: "and eighth, provided, that any such insurance company desiring to do the kind of insurance embraced within either the sixth or eighth kind must have in addition to such $200,000 of capital stock, at least $50,000 of capital stock, and to do the kinds of insurance embraced within both the sixth and eighth kinds at least the sum of $100,000 capital stock in addition to the said $200,000 of capital stock required to do the first kind of insurance."

Also: In Section 594, page 4, line 57, strike out the following: "After July 1, 1907," and insert in lieu thereof the following: "After January 1, 1908."

Also: In Section 594, page 4, line 64, strike out the following: "After July 1, 1907," and insert in lieu thereof the following: "After January 1, 1908."

Also: In Section 594, page 4, line 71, strike out the following: "After July 1, 1907," and insert in lieu thereof the following: "After January 1, 1908.

Also: In Section 594, page 4, line 79, after the word "stock," insert the word "required."

Also: In Section 594, page 4 after the word "stock," on line 86, strike out the following: "required under the provisions of this title must be fully paid up before the doing of any such business in the State of California, and."

Also: In Section 594, page 5, after the word "Code," on line 91, insert the following: "Every company, organized or formed under the laws of any other state or country as a mutual, or as a joint stock and mutual company, having a capital stock of not less than $100,000 must have in lieu of such capital stock available cash assets of at least $200,000 above all liabilities for losses reported, expenses, taxes, and reinsurance of all outstanding risks as provided in Section 602 of the Political Code."

Also: In Section 594*a*, on page 5, line 1, after the word "company," insert the following: "organized or existing under the laws of any country outside of the United States."

Also: In Section 594*a*, page 5, line 10, strike out commencing with the word "with," down to and including the word "then," in line 17.

Also: In Section 595, on page 7, line 23, strike out the period after the word "purpose," and insert in lieu thereof a comma and the following words: "and the printing of said report and all other printing required by the insurance department shall be exempt from the provisions of Article XII, Chapter III, Title I, Part III of the Political Code."

Also: In Section 596*a*, page 10, line 6, strike out the word "and," and insert in lieu thereof the word "or."

Also: In Section 597, page 10, in line 3, strike out the word "three," and insert in lieu thereof the word "twenty-five."

Also: In Section 597, page 11, line 33, strike out the word "wherever," and insert in lieu thereof the word "whenever."

Also: On pages 11 and 12, strike out all of Section 597*a*.

Also: On page 12, strike out all of Section 597*b*.

Also: In Section 598, page 12, lines 3 and 4, strike out after the word "policy," the following: "or about the business."

Also: In Section 598, page 12, lines 3 and 4, after the word "may," strike out the words "place before," and insert in lieu thereof the words "file with."

Also: In Section 598, page 13, line 23, strike out the word "company," and insert in lieu thereof the words "said agent."

Also: In Section 602*a*, page 17, line 43, strike out the word "person," and insert in lieu thereof the word "company."

Also: In Section 602*a*, page 17, line 43, strike out the word "his," and insert in lieu thereof the word "its."

Also: In Section 604, page 18, line 9, strike out the word "shall," and insert in lieu thereof the word "may."

Also: In Section 604, page 18, line 14, strike out the word "shall," and insert in lieu thereof the word "must."

Also: In Section 605, page 19, line 18, after the word "office," insert the following: "to any paper or document not herein specified."

Also: In Section 607, page 20, line 20, strike out the word "chapter," and insert in lieu thereof the word "article."

Also: In Section 612, page 22, in line 1, strike out the words "fire, marine, and inland," and insert in lieu thereof the words "other than life."

Also: In Section 612, on page 22, lines 2 and 3, strike out, commencing with the word "or," down to and including the word "Code."

Also: In Section 613, page 27, line 72, strike out the words "risks written," and insert in lieu thereof the words "business done."

Also: In Section 615, page 27, line 3, strike out the words "written instruments," and insert in lieu thereof the word "statements."

Also: In Section 615, page 27, line 5, strike out the word "instruments," and insert in lieu thereof the words "statements and reports."

Also: In Section 618, page 30, after the word "deposit," in line 38, insert the following: "If the deposit is of stocks or bonds, it shall be accompanied by the fees necessary for the appraisal thereof."

Also: In Section 630, page 35, line 1, after the word "councils," insert the following: "incorporated or organized for the purpose of mutual protection and relief of their members, and for the payment of stipulated sums of money to their members, or to the beneficiaries of deceased members."

Also: In Section 634*a*, on page 37, in line 8, strike out the period after "1897," and insert in lieu thereof a comma, and add the following words: "or to any corporation doing or transacting the business of mutual insurance on the assessment plan as defined in Section 453*d* of the Civil Code of the State of California."

Also: On page 38, in Section 3, strike out, commencing with the word "this," in line 1, down to and including the word "concerned," in line 3, and insert in lieu thereof the following: "This act shall take effect immediately."

Motion carried.

The Speaker appointed Mr. Drew as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 456, with instructions, do now report that the instructions of the Assembly have been carried out.

DREW, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

During third reading of the bill, Mr. Stanton moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4, line 38 of the printed bill, strike out the word "plastering."

Also: On page 4, line 39 of the printed bill, after the word "work," insert the following: "fourth—for the plastering work."

Also: On page 4, lines 39, 40, and 41 of the printed bill, strike out the words "fourth," "fifth," "sixth," and "seventh," and insert in lieu thereof the following: "fifth," "sixth," "seventh," and "eighth."

Also: On page 8, printed bill, strike out all of Section 9.

Motion carried.

The Speaker appointed Mr. Stanton as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 650, with instructions, do now report that the instructions of the Assembly have been carried out.

STANTON, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to print and on file for passage.

RE-REFERENCE OF BILL.

On motion of Mr. Snyder, Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897—was recalled from Committee on Irrigation and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 19—Relative to adjournment *sine die*—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted as amended.

ESTUDILLO, Chairman.

Assembly Concurrent Resolution No. 19 ordered on file for adoption.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 961—An Act to repeal Section 2 of an Act entitled "An Act providing for the furnishing of sheriffs and chiefs of police of certain information, descriptions and photographs of convicts about to be discharged, by the wardens of State prisons," approved March 27, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LYNCH, Chairman.

Assembly Bill No. 961 ordered on file for second reading.

RECESS.

At five o'clock and ten minutes P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

SPECIAL ORDER.

The hour of eight o'clock P. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

Bill read second time on a previous day, but still open for amendment.

The following amendments were submitted:

By Mr. Whitmore:

Amend by inserting on page 10 of the printed bill, line 314, after the word "Guard" the following: "exempt from Section 4 of this Act."

Amendment adopted.

By Mr. Held:

Amend on line 291, ninth page, printed bill, by inserting after the word "hundred" the word "dollars."

Amendment adopted.

Also:

Amend on line 292, ninth page, printed bill, by inserting after the word "hundred" the word "dollars."

Admendment adopted.

Also:

Amend on line 293, ninth page, printed bill, by inserting after the word "hundred" the word "dollars."

Amendment adopted.

Also:

Amend on line 321, tenth page, printed bill, by inserting after the word "officers" the words "under the provisions."

Amendment adopted.

By Mr. Estudillo:

Insert the words "exempt from Section 4 of this Act" after the word "dollars," on line 343 of the printed bill.

Amendment adopted.

By Mr. Held:

Amend by striking out the word "commissioner," on line 377, eleventh page of printed bill, and inserting in lieu thereof the following: "commissioners."

Amendment adopted.

By Mr. Estudillo:

Insert the word "State" between the words "For" and "Hospital," line 454¾, page 14 of the printed bill.

Amendment adopted.

Also:

Strike out the letters "etc," line 465, page 14, of the printed bill, and insert in lieu thereof the words "and all other work performed and materials furnished by the State Printing Office for the Commissioner of Public Works."

Amendment adopted.

By Mr. Held:

Amend on line 468, fourteenth page, printed bill, by inserting the word "four" after the word "forty."

Amendment adopted.

By Mr. Estudillo:

Insert the words "binding, ruling and all other work performed, and materials furnished by the State Printing Office for the," between the words "printing" and "State," on line 481, page 15 of printed bill.

Amendment adopted.

Also:

Insert the words "binding, ruling and all other work performed and materials furnished by the State Printing Office for the," on line 512, of page 15 of printed bill, between the words "printing" and "State."

Amendment adopted.

Also:

Amend by inserting the following: "binding, ruling and all other work performed and materials furnished by the State Printing Office for the," between the words "printing" and "State," on line 544, page 16 of printed bill.

Amendment adopted.

By Mr. Held:

Amend between lines 535 and 536, sixteenth page, printed bill, by inserting the following: "University of California."

Amendment adopted.

By Mr. Estudillo:

Amend by striking out the letters "etc.," on lines 553, 563, 572, and 582, seventeenth page, printed bill, and inserting in lieu thereof the following: "and all other work performed and materials furnished by the State Printing Office."

Amendment adopted.

Also:

Strike out the letters "etc.," on line 590, page 18, of printed bill, and insert in lieu thereof the following: "and all other work performed and materials furnished by the State Printing Office."

Amendment adopted.

Also:

Strike out the word "and," between the words "binding" and "ruling," on line 601, page 18 of printed bill.

Amendment adopted.

By Mr. Held:

Amend by inserting between lines 640 and 641, page 19, printed bill, the words "State Board of Education."

Amendment adopted.

By Mr. Transue:

Amend by striking out of page 20, line 658, of printed bill, the word "four," and inserting in lieu thereof the following: "six."

Amendment adopted.

By Mr. Held:

Amend by striking out the word "offices," on line 457, fourteenth page, printed bill, and inserting in lieu thereof the following: "officers."

Amendment adopted.

By Mr. Transue:

Amend by striking out of page 20, line 659, of the printed bill, the word "twenty-four," and inserting in lieu thereof the following: "thirty-six."

Amendment adopted.

Also:

Amend page 20, printed bill, between lines 659 and 660, by inserting the following: "For salary of clerk, twenty-four hundred dollars."

Amendment adopted.

Also:

Amend on page 20, line 660, of printed bill, by adding after the word "veterinarian" the following: "and assistant."

Amendment adopted.

By Mr. Estudillo:

Amend by inserting on line 662, twentieth page, printed bill, the following: "binding, ruling, and all other work performed and materials furnished by the State Printing Office to the State Veterinarian."

Amendment adopted.

Also:

Amend by inserting on line 675, twentieth page, printed bill, the following: "binding, ruling, and all other work performed and materials furnished by the State Printing Office to" after the word "printing" and before the word "Harbor."

Amendment adopted.

By Mr. Estudillo:

Amend by striking out the word "for," on line 643, nineteenth page, printed bill, and inserting in lieu thereof the following: "binding, ruling and all other work performed and materials furnished."

Amendment adopted.

Also:

Amend by striking out the word "and," after the word "binding," line 655, and insert letter "s" after word "material," on line 656, page 19.

Amendment adopted.

Also:

Amend by inserting on line 648, nineteenth page, printed bill, the following: After the word "printing," "binding, ruling, and all other work performed and materials furnished by the State Printing Office to the."

Amendment adopted.

Also:

Amend by striking out the word "and," on line 655, nineteenth page, between the words "binding" and "ruling."

Amendment adopted.

By Mr. Held:

Amend by striking out the word "seventh," Section 4, on line 7, twenty-second page, printed bill, and inserting in lieu thereof the following: "ninth."

Amendment adopted.

By Mr. Estudillo:

Amend by striking out the words "of various offices" after the word "printing," on line 690, twentieth page, printed bill, and inserting in lieu thereof the following: "binding, ruling, and all other work performed, and materials furnished by the State Printing Office to various officers."

Amendment adopted.

By Mr. Whitmore:

Amend by striking out the words "military auditors," on line 7, twenty-first page, printed bill, Section 2, and inserting in lieu thereof the following: "adjutant general."

Amendment adopted.

Also:

Amend by striking out the word "ninety," on line 8, twenty-first page, printed bill, Section 2, and inserting in lieu thereof the following: "eighty."

Amendment adopted.

Also:

Amend by striking out the word "ninety-nine," on line 9, twenty-first page, printed bill, Section 2, and inserting in lieu thereof the following: "eighty-five."

Amendment adopted.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 975 considered.

Mr. Estudillo moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years—and do now report the same back, with amendments, and recommend that the same do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

On motion of Mr. Estudillo, the further consideration of Assembly Bill No. 975 was made a special order for eleven o'clock A. M. of Wednesday, February 27, 1907.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 651—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 651 passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Fratessa, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Lemon, Lynch, McClellan, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strobridge, Transue, Vogel, Walsh, Wessling, Whitmore, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 691 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Fratessa, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Lemon, Lynch, McClellan, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 927—An Act to add a new section to the Political Code, to be numbered 759, relating to the employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 927 passed by the following vote:

AYES—Messrs. Beban, Berry, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Lemon, Lynch, McClellan, McKeon, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strobridge, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

NOES—Mr. Fratessa—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Transue moved a call of the House.

Motion carried.

Time, nine o'clock and fifty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beban, Berry, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Fratessa, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Lemon, Lynch, McClellan, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strobridge, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Leeds, Thompson of Los Angeles, Kelly, Hammon, Bell, Birdsall, O'Brien, Bishop, and Stetson were brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and fifty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lynch, McClellan, McKeon, O'Brien, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—48.

NOES—Messrs. Otis, Stetson, and Strobridge—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

During third reading of the bill, Mr. Bush moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by inserting after the word "Berkeley," on line 7, the following: "or within one half mile of any home, retreat, or asylum for disabled volunteer soldiers or sailors, established or to be established by this State, or by the United States within this State."

Motion carried.

The Speaker appointed Mr. Bush as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 861, with instructions, do now report that the instructions of the Assembly have been carried out.

BUSH, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

SECOND READING OF BILLS.

Assembly Bill No. 965—An Act to furnish the office of superintendent of schools of the City and County of San Francisco with statutes, code amendments, and indexes to the laws of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1019—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 974—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 974 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 974, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 958—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 957—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of the State of California, 1850–1907, inclusive.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read second time, and ordered to engrossment.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the term of existence of corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 784 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hewitt, Kelly, Leeds, Lemon, Lynch, McClellan, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—44.

NOES—Messrs. Chandler, Costar, Cutten, Davis, Devlin, Held, and McKeon—7.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Davis asked for and was granted unanimous consent to withdraw Assembly Bill No. 865—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés—it being identical with Senate Bill No. 736, now in this House.

Assembly Bill No. 865 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 736—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 736 finally passed by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Kelly, Leeds, Lemon, Lynch, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 458 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Leeds, Lynch, McClellan, McKeon, O'Brien, Otis, Pierce, Sackett, Smith, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

BILL RECALLED FROM COMMITTEE.

On motion of MR. Whitmore, Senate Bill No. 778—An Act to provide for drainage by irrigation districts—was recalled from the Committee on Swamp and Overflowed Lands and Drainage, and placed on file in place of Assembly Bill No. 878.

WITHDRAWAL OF BILL.

Mr. Whitmore asked for and was granted unanimous consent to withdraw Assembly Bill No. 878—An Act to provide for drainage by irrigation districts.

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 230—An Act making an appropriation of one thousand dollars ($1,000) to pay the claim of Edward W. Lehner against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 230 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Kelly, Leeds, Lemon, Lynch, McClellan, McKeon, O'Brien, Otis, Pierce, Root, Smith, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—45.

NOES—Mr. Beban—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327—An Act to add a new section to the Penal Code, to be known as Section 628½, relating to the taking of shrimps.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 327 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Kelly, Leeds, Lemon, Lynch, McClellan, McKeon, O'Brien, Otis, Pierce, Root, Smith, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RE-REFERENCE OF BILLS.

On motion of Mr. Stetson, Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered—was re-referred to Committee on Judiciary.

On motion of Mr. Devlin, Assembly Bill No. 941—An Act to amend Section 3898 of the Political Code, to make said section comply with the mandate of Section 14, Article V, of the Constitution of the State of California, in relation to grants and tax deeds—and Assembly Bill No. 942—An Act to provide for the correction of deeds heretofore executed in pursuance of Section 3898, Political Code, and void under the mandate of Article V, Section 14, of the Constitution of the State of California—were recalled from the Committee on Judiciary and referred to Committee on Revenue and Taxation.

On motion of Mr. Cutten, Assembly Bill No. 821—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor—and Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class—were recalled from the Committee on Ways and Means and referred to Committee on Roads and Highways.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment report the following bills as being correctly engrossed:

Assembly Bill No. 821—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor.

Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Assembly Bill No. 906—An Act to provide for the survey, location, plans, and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making appropriation therefor.

Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, minors, and others, upon real property.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report and resolution of special committee was submitted (unanimous consent having been obtained for its reception):

ON WASHINGTON'S BIRTHDAY EXERCISES.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Washington's Birthday Exercises, appointed pursuant to the following resolution:

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session, at an hour and place to be selected by the committee as hereinafter provided, on February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate to arrange a program of exercises, and to provide a place and fix the time of said joint meeting, said committees to be appointed by the Speaker and President of the Senate, respectively, and any expenses incurred to be paid equally by the Assembly and Senate, out of their contingent funds.

Beg leave to report that exercises were conducted in the Assembly Chamber on the evening of February 22d and a program carried out which has already appeared in the Journal of this Assembly, a joint session of the Senate and Assembly having been held on that occasion. Expenses were incurred as follows, to wit:

Printing	$30 00
Music	60 00
Postage	4 30
Decorations	2 80
Clerk	25 00
Total expense incurred	$122 10

One half of which is payable out of the Contingent Fund of the Senate and the remaining half out of the Contingent Fund of the Assembly.

Respectfully submitted.

A. M. DREW,
CLYDE BISHOP,
J. I. McCONNELL,
Committee of Assembly.

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly and the State Treasurer is hereby authorized to pay the same, for the sum of $61.05, in favor of J. Steppacher, the same being for the payment of bills attached.

A. M. DREW, Chairman.

Report and resolution ordered printed in the Journal, and referred to Committee on Contingent Expenses and Accounts.

ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Wednesday, February 27, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, February 27, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Smyth, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—65.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. Ludington and Estudillo.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Wilson its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 930—An Act providing for a license tax on automobiles and other vehicles operated by other than muscular force, and directing the manner of

collecting the same—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Assembly Bill No. 821—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor—have had the same under consideration, and respectfully report back that Committee Substitute for Assembly Bill No. 821 do pass.

FINNEY, Chairman.

Assembly Bills Nos. 822 and 930 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILL.

By Committee on Roads and Highways: Assembly Bill No. 1021 (Committee Substitute for Assembly Bill No. 821)—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Bill read first time, and placed on file without reference.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No 708—An Act to amend Section 2172 of the Political Code, relating to the disposition of insane persons upon commitment, and repealing all Acts or parts of Acts inconsistent therewith—report the same back, and recommend that the same be referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHNSON of Sacramento, Chairman.

Assembly Bill No. 708 ordered on file for second reading.

Assembly Bill No. 594 referred to Committee on Ways and Means.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class—report the same back, with five amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 615—An Act to amend Section 12 of an Act entitled "An Act to amend Section 163 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and amended March 23, 1901," approved March 20, 1905—and report back a committee substitute therefor, and recommend that said substitute bill do pass.

Also: Assembly Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to the counties of the fifty-first class—and report back a committee substitute therefor, and recommend that said substitute bill do pass.

Also: Assembly Bill No. 896—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés—and report the same back, with fourteen amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 593—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts—and respectfully report the same back, with eight amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 874—An Act to amend Section 162 of "An Act to establish a uniform system of county and township government," approved April 1, 1897,

amended March 19, 1903, and amended March 20, 1905—report the same back, without recommendation.

Also: Assembly Bill No. 946—An Act empowering the board of supervisors of the several counties of the State of California to direct the payment of all license fees, collected under the authority of said boards, to be paid into and credited to the road fund for the road district in which the business authorized by such license is situated.

Also: Assembly Bill No. 945—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.

Also: Assembly Bill No. 755—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, by adding one new section thereto, to be numbered Section 13*a*, relating to the duties of boards of supervisors, providing how, and under what conditions, ordinances adopted by boards of supervisors, regulating or prohibiting the sale of malt, vinous, or other intoxicating liquors, and regulating or prohibiting the issuance of licenses for the sale thereof, shall take effect; and providing for compensation to persons who sustain loss or suffer damages by the taking effect and enforcement of such ordinances.

And report the same back, and recommend that they do not pass.

THOMPSON of Los Angeles, Chairman.

The above reported bills ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS.

By Committee on County and Township Governments: Assembly Bill No. 1022 (Committee Substitute for Assembly Bill No. 615)—An Act to amend Section 163 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, approved March 20, 1905, relating to county and township officers of counties of the sixth class.

Bill read first time, and placed on file without reference.

By Committee on County and Township Governments: Assembly Bill No. 1023 (Committee Substitute for Assembly Bill No. 583)—An Act to amend Section 208 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, relating to the salaries and fees of county and township officers in counties of the fifty-first class.

Bill read first time, and placed on file without reference.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 852—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.

Also: Assembly Bill No. 956—An Act defining the character of imitation butter and imitation cheese; providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses; providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and describing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof; providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897,

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STROBRIDGE, Chairman.

The above reported bills ordered on file for second reading..

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following report and resolution:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Washington's Birthday Exercises, appointed pursuant to the following resolution:

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session, at an hour and place to be selected by the committee as hereinafter provided, on February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate to arrange a program of exercises, and to provide a place and fix the time of said joint meeting, said committee to be appointed by the Speaker and President of the Senate, respectively, and any expenses incurred to be paid equally by the Assembly and Senate, out of their contingent fund.

Beg leave to report that exercises were conducted in the Assembly Chamber on the evening of February 22d and a program carried out which has already appeared in the Journal of this Assembly, a joint session of the Senate and Assembly having been held on that occasion. Expenses were incurred as follows, to wit:

Printing	$30 00
Music	60 00
Postage	4 30
Decorations	2 80
Clerk	25 00
Total expense incurred	$122 10

One half of which is payable out of the Contingent Fund of the Senate and the remaining half out of the Contingent Fund of the Assembly.

Respectfully submitted.

A. M. DREW,
CLYDE BISHOP,
J. I. MCCONNELL,
Committee of Assembly.

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of $61.05, in favor of J. Steppacher, the same being for the payment of bills attached.

DREW, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that the report and resolution be adopted.

BERRY, Chairman.

Report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Collister, Cornish, Cullen, Davis, Devlin, Finney, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 970—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners, in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

CORNISH, Chairman.

Assembly Bill No. 970 ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of $25,000 to carry out the purposes of said Act.

Also: Assembly Bill No. 870—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

PERCIVAL, Chairman.

Senate Bill No. 390 referred to Committee on Ways and Means.
Assembly Bill No. 870 ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1915, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, 1982, of the Code of Civil Procedure, to repeal Section 1973 thereof, and to add a new section thereto, to be numbered 1947*a*, all relating to evidence.

Also: Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110*a*, requiring notice to be given to the real parties in interest in certain proceedings.

Also: Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Also: Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Also: Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Also: Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Also: Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Also: Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Also: Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Also: Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Also: Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Also: Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Also: Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Also: Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Also: Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WYATT, Chairman.

The above reported bills ordered on file for second reading.

ON LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Levees and River Improvements, to whom was referred Assembly Bill No. 851—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BUTLER, Chairman.

Assembly Bill No. 851 ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1044, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, all relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STETSON, Chairman.

The above reported bills ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 898—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of the commissioner, and repealing all Acts and parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FORBES, Chairman pro tem.

Assembly Bill No. 898 referred to Committee on Ways and Means.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Also: Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino forest reserve, and to make an appropriation therefor.

Also: Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 189—An Act authorizing and directing the constructing and furnishing of two pavilions for colonizing epileptic patients at the California Home for

the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor

Also: Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

Also: Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in nineteen hundred and thirteen, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Concurrent Resolution No. 21—Relative to work done by the Outdoor Art League for the five per centum bill—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

SACKETT, Chairman.

Assembly Concurrent Resolution No. 21 ordered on file for adoption.

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 919—An Act to add a new section to the Penal Code, to be numbered Section 556, and relating to the correct weight of agricultural products sold by the bale—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

COSTAR, Chairman.

Assembly Bill No. 919 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 513—An Act to authorize municipal corporations, organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory, or any Act amendatory thereof, to commence and prosecute an action, or actions, to recover real or personal property within the limits of such municipal corporations, acquired or held by the Board of Fire Commissioners created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

Senate Bill No. 513 ordered on file for second reading.

REQUEST TO BE PLACED ON RECORD GRANTED.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to be placed on record in the Journal as being in favor of Assembly Bill No. 736—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies—passed by the Assembly on February 26, 1907, during his absence on leave of the Assembly.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 123—An Act to amend Sections 3, 9, 10, 12. 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City.

Also: Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 19, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Also: Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold Farmers' Institutes, and making appropriations therefor.

Also: Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also: Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference on Assembly Constitutional Amendment No. 3—Relative to direct nomination of candidates for public office.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 25, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 52—An Act to amend Section 1202 of the Political Code of the State of California, relating to the appointment of election officers.

Also: Senate Bill No. 519—An Act providing for an appropriation of three thousand dollars ($3,000) for the purpose of improving the grounds of Sutter's Fort.

Also: Senate Bill No. 27—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code, as it now exists, and to reënact and amend said Section 3701, all said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to the following:

Assembly Bill No. 264—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.

Also: Assembly Bill No. 370—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair—and respectfully request that your honorable body concur in the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bills Nos. 123, 449, 73, 67, 235, 294, 295, 237, and 296 ordered to enrollment.

Assembly Bill No. 12—An Act appropriating money for advertising the resources and products of California at the State Fair in 1907.

The question being, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 12?"

SENATE AMENDMENTS.

Strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. The sum of five thousand (5,000) dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated to be used by the Board of Directors of the State Agricultural Society for the purpose of advertising the resources of California and to obtain exhibits of California's resources and products for the State Fair of 1907.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of the Board of Directors of the State Agricultural Society for said amount, and the State Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Also: Strike out the title and insert in lieu thereof the following: "An Act appropriating money for advertising the resources and products of California at the State Fair in 1907."

The roll was called, and Senate amendments to Assembly Bill No. 12 were concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Assembly Bill No. 12 ordered to reëngrossment and enrollment.

REQUEST FOR THE INTRODUCTION OF BILLS.

The following petitions asking permission to introduce bills out of order were offered:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

STROBRIDGE,
Member Forty-sixth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act providing for the indexing and preservation of certain books, maps, papers, and documents in the office of the Surveyor-General, and making an appropriation therefor.

TRANSUE,
Member Seventy-third District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR SPEAKER: I ask permission to introduce the accompanying bills, the titles of which read as follows, viz: An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

Also: An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State laboratory of plant pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

ESTUDILLO,
Member Seventy-eighth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend the Political Code of the State of California, by adding divers new sections thereto, and providing for the improvement of the rivers, lakes, and streams or any part of them of the State of California, and prescribing the manner of locating boating claims upon them, or any part of them.

STETSON,
Member Fifth District.

Petitions referred to Committee on Introduction of Bills.

CONSIDERATION OF BILL—(OUT OF ORDER).

On motion of Mr. McConnell, Assembly Bill No. 809—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies and all other infectious or contagious diseases among sheep—was taken up for the purpose of amendment.

During third reading of the bill, Mr. McConnell moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. That a State Board of Sheep Commissioners be and the same is hereby created.

SEC. 2. The State Board of Sheep Commissioners, hereinafter called the board, shall consist of six members, one of whom shall be the State Veterinarian, acting as ex officio member, and five others to be appointed by the Governor, all of whom shall be experienced wool-growers, no two of whom shall be from the same county and to hold their office for four years or until their successors are duly appointed and qualified. Each of said commissioners before entering upon the duties of his office shall take and subscribe to the constitutional oath of office and enter into a bond with at least two sureties in the penal sum of twenty-five hundred dollars ($2,500.00) payable to the State of California, and conditioned for the faithful performance of the duties of his office, which bond shall be approved by the Governor and filed in the office of the Secretary of State. The members of the said board shall each receive for his services six hundred dollars ($600.00) per annum and actual expenses while in the discharge of his duties. Said salary and expense shall be paid from the State treasury. Each member of said board shall be a qualified elector from the county from which he is chosen and an experienced wool-grower within the State, and must reside during his term of office within the State. Said board must hold their meetings quarterly, and oftener if so requested by any member of the board.

SEC. 3. The board shall elect one of its members president, and the board shall appoint a secretary, prescribe his duties and fix his salary, which shall not exceed one thousand dollars ($1,000.00) per annum. The board shall maintain an office. The maintenance of such office and the secretary's salary shall be paid from the State treasury in the same manner as the salaries and expenses of State officers. The board shall audit all bills of salaries and expenses incurred in the enforcement of this Act that may be payable from the Sheep Inspection Fund, and if found correct, shall certify the same to the Board of Examiners. The board shall make an annual report to the Governor on or before the 15th day of December in each year, giving a statement of the transaction of the board and facts relating to the condition of the sheep industry in this State. The board shall have power to order

an inspection for quarantine of any sheep in the State, compel dipping at such times and as often as it deems necessary to insure the eradication of "scab," and divide the State into such districts as may be necessary for the enforcement of this Act. The board shall have power to make, adopt and enforce such rules and regulations (not in conflict with the provisions of the State Constitution or the laws of this State) as the board may deem necessary for the enforcement of the provisions of this Act. It shall be the duty of the State Board of Sheep Commissioners to furnish, on or before the first Monday in September of each year, to the board of supervisors of each county in this State, an estimate of the amount of money in the Sheep Inspection Fund, and the estimated value of the sheep in each county, and the estimated rate of tax on each one hundred dollars of such valuation necessary to raise sufficient funds for paying the expenses to be incurred under the provisions of this Act during the next year.

SEC. 4. The board of supervisors of each county in this State at the time of the annual levy of county taxes must levy a tax, not to exceed ten mills on the dollar of the assessed valuation of the sheep in their respective counties. Said tax shall be levied and collected in the same manner as State and county taxes, and the county treasurer of each county shall report the same to the State Controller and pay the same into the State treasury in the same manner and at the same time as State taxes are reported and paid. The said taxes shall be kept in the State treasury as a separate fund to be known as "The Sheep Inspection Fund."

SEC. 5. The county auditor must on or before the first Monday in August of each year prepare from the assessment book of each year, as corrected by the board of supervisors of each county and the State Board of Equalization, a statement showing the total number of all sheep assessed and the valuation of the same. The county treasurer must notify the State Board of Sheep Commissioners of all moneys forwarded to the State treasury belonging to the State Sheep Inspection Fund at the time said moneys are forwarded to the State treasury. Also, make final report to the said board at the time he makes settlement with the State Controller.

SEC. 6. The board shall have charge of the enforcement of the provisions of this Act, and of all rules and regulations made and adopted by it. The board shall employ such inspectors as may be necessary and said inspectors shall file a bond in the sum of one thousand dollars ($1,000.00) payable to the State, and conditioned for the faithful performance of their duties, and said bond shall be approved by the board. Such inspectors shall receive five dollars ($5.00) per diem for each day's work actually performed, to be paid from the Sheep Inspection Fund. The board must keep a book to be known as "The Inspection Book," in which they must enter their official acts. Such record must show every flock of sheep inspected, and the number contained therein, and the time when and the place where the same was inspected.

SEC. 7. The inspectors, and any member of the board shall have the right at all times to enter any premises, farm, field, pen, slaughterhouse, building or car where any sheep are quartered, for the purpose of examining them, in order to determine whether they are affected with the disease known as scabies. The board shall have the power to quarantine any corral, pen, slaughterhouse, building or car where sheep may have been or are being handled and compel the cleaning and disinfecting of the same when deemed necessary for the purposes of this Act. When owners or persons in charge of such places shall after forty-eight hours' written notice refuse to clean or disinfect them, the inspector shall have the right to take charge of such places, cause the same to be cleaned and disinfected, and the expense of such cleaning and disinfection must be paid by the person in charge or the owner, and shall be a lien upon such premises, corrals, pens, slaughterhouses, buildings, cars, etc., until such expense is paid.

SEC. 8. Inspectors shall report to the board in writing and as often and at such times as may be requested by such board.

SEC. 9. Each inspector must inspect all sheep within the district assigned to him, when so ordered by the board, and must make and issue a certificate or bill of health for all sheep whose owners have complied with the law and the orders, rules and regulations made and adopted by the board, describing the sheep, giving the number, together with the marks and brands thereon, which will entitle the owner or agent in charge to pass with such sheep from one district to another in this State. The inspector shall immediately file with the board in duplicate all certificates issued by him.

SEC. 10. When sheep are found affected with scabies they must be quarantined where found, and the inspector must define the place, the limits within which such sheep may be grazed, herded or driven, and such sheep must be held in quarantine until pronounced cured from such disease by the State Board of Sheep Commissioners. The expense of dipping, hand-dressing, spotting, feeding and taking care of all sheep quarantined under the provisions of this Act, must be paid for by the owner or agent in charge of such sheep; and such expense shall be a lien upon such sheep until paid.

SEC. 11. All sheep in the State affected with or exposed to "scabies" must be dipped at such time or times as may be ordered by the board; such dipping shall be done under the supervision of an inspector and the dip used in all such cases must be one approved by the State Board of Sheep Commissioners; *provided, how-*

ever, that owes due to lamb within thirty days shall not be subject to the provisions of this section.

SEC. 12. When any owner or person in charge of sheep shall bring such sheep into this State, upon entering from an adjoining state or territory for the purpose of grazing he shall notify the board or an inspector in writing, of such fact immediately after entering the State, stating the time when, the place where such sheep did enter and number of such sheep; *provided, however*, that the owner or person in charge of sheep in transit on the cars shall not be required to give notice unless they shall remain in the State or are unloading to feed or rest for a longer period than forty-eight hours.

SEC. 13. In no case shall any sheep affected with scabies be moved along the public highway or across the lands of another without a written permit from the board or an inspector.

SEC. 14. Any person owning or having charge of any public dipping vat, or vessel in which sheep are dipped, and every owner of sheep or agent in charge of them, who shall refuse or neglect after notice in writing to dip all sheep in the manner prescribed in the preceding sections, or who shall wilfully and intentionally fail to observe any and all rules and regulations made and adopted by the board in accordance with the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty ($50.00) dollars.

SEC. 15. All claims for salaries of the members of the board shall be paid out of "The Sheep Inspection Fund" at the same time and in the same manner as the salaries of State officers are paid. All other claims and expenses authorized by this Act shall be executed, approved, audited, allowed, and paid at the same time and in the same manner as other claims against the State.

SEC. 16. Any person who violates any provisions of this Act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars ($50.00).

Motion carried.

The Speaker appointed Mr. McConnell as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 809, with instructions, do now report that the instructions of the Assembly have been carried out.

McCONNELL, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Johnson of Sacramento moved that the vote whereby Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment—was passed, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Collister, Cornish, Costar, Cullen, Davis, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stanton, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—62.

NOES—None.

Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out in Section 1, pages 1 and 2, the whole of lines 4 to 19, inclusive, and insert in lieu thereof the following:

1915. A final judgment of any other tribunal of a foreign country having jurisdiction, according to laws of such country, to pronounce the judgment, shall have the same effect as in the country where rendered, and also the same effect as final judgments rendered in this State.

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 569, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint and on file for passage.

RE-REFERENCE OF BILLS.

On motion of Mr. Lynch, Assembly Bill No. 874—An Act to amend Section 162 of "An Act to establish a uniform system of county and township government," approved April 1, 1897, amended March 19, 1903, and amended March 20, 1905—was re-referred to Committee on County and Township Governments.

On motion of Mr. Johnson of Sacramento, Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of $25,000 to carry out the purposes of said Act—was re-referred to Committee on Ways and Means.

THIRD READING OF BILLS.

Assembly Bill No. 804—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members.

During the third reading of the bill, Mr. Costar moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert, on line 2, Section 1, after the word "persons," the following: "from the Ways and Means Committee."

Amendment lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 804 refused passage by the following vote:

AYES—Messrs. Campbell, Case, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Johnson of Sacramento, Johnson of San Diego, Lucas, Lynch, McConnell, McKeon, O'Brien, Pyle, Sackett, Thompson of Los Angeles, and Walsh—20.

NOES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Chandler, Coghlan, Collister, Cullen, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Jury, Kelly, Kohlman, Leeds, Lemon, McGuire, McMullin, Otis, Percival, Pierce, Root, Smith, Snyder, Stanton, Stetson, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOTICE OF MOTION TO RECONSIDER.

Mr. Chandler gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 804 was this day refused passage.

Assembly Bill No. 864—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115*a*, requiring the county clerks and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 864 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Drew, Forbes, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Smith, Snyder, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Mr. Stetson offered the following amendment to the title of bill:

Amend by striking out the word "the" before the words "County Clerks," in the title of the Assembly bill.

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to print, reëngrossment and transmitted to the Senate.

Substitute for Assembly Bill No. 642—A bill for an Act to provide for the government and management of schools for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto, and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as "The Whittier State School," approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.

During third reading of the bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the words "a bill for," line 1, title of printed bill.

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 642, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

WITHDRAWAL OF BILL.

Mr. O'Brien asked for and was granted unanimous consent to withdraw Assembly Bill No. 766—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883—it being identical with Senate Bill No. 654, now in this House.

Assembly Bill No. 766 withdrawn, and ordered stricken from the file.

Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 654 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Drew, Finney, Forbes, Fratessa, Hans, Held, Hewitt, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Snyder, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 693—An Act to amend Section 2165*a* of the Political Code of the State of California, relating to actions and suits on account of acts and omissions in the discharge of official duty.

Bill read third time, and ordered on file for further consideration.

Assembly Bill No. 71—An Act to amend Sections 801 and 802 of the Penal Code of the State of California, relating to the time of commencing criminal actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 71 passed by the following vote:

AYES—Messrs. Bell, Berry, Bishop, Boyle, Bush, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Drew, Forbes, Hans, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Smith, Snyder, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 549—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 549 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Chandler, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smyth, Snyder, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

During the third reading of the bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend Section 3 by inserting after the word "days," line 6, Section 3 of printed bill, as amended in the Senate February 5th, the following: "*provided*, that no conviction shall be had where a conviction is sought upon any alleged sample of milk, or product of milk, unless such sample has been taken in duplicate, sealed and marked for identification, and one of such samples left with the person accused."

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 348, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

During the third reading of the bill, Mr. Thompson of Los Angeles moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, in line 32 of amended bill, after the word "any," insert the word "State."
Also: On page 2, lines 30, 33, and 34 of amended bill, strike out the words and figures "of $1.25 per acre."

Motion carried.

The Speaker appointed Mr. Thompson of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 32, with instructions, do now report that the instructions of the Assembly have been carried out.

THOMPSON of Los Angeles, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

During third reading of the bill, Mr. Stetson moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add after the figures 10, line 1, Section 1 of the printed bill, the following: "of an Act entitled An Act to amend an Act creating a State commission on voting or balloting machines, defining their power, and providing for the use at the option of indicated local authorities of voting or balloting machines for receiving and registering the vote in one or more precincts of any county, city and county, city, or town, at any or all elections held therein, and for ascertaining the result of such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903."

Motion carried.

The Speaker appointed Mr. Stetson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 51, with instructions, do now report that the instructions of the Assembly have been carried out.

STETSON, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Senate Bill No. 480—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 480 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 714—An Act to add a new section to the Political Code, to be numbered 1617*a*, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 714 finally passed by the following vote:

AYES—Messrs. Barry, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 49 refused passage by the following vote:

AYES—Messrs. Cornish, Lynch, O'Brien, Snyder, Spaulding, Stanton, Thompson of San Francisco, and Mr. Speaker—8.

NOES—Messrs. Barry, Bell, Birdsall, Bishop, Boyle, Case, Chandler, Cogswell, Collister, Costar, Cullen, Davis, Devlin, Estudillo, Finney, Fisher, Fratessa, Hammon, Hartmann, Hewitt, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Stetson, Strobridge Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wilson, and Wyatt—46.

Speaker pro tem., Hon. J. P. Transue, in the chair.

Senate Bill No. 74—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 74 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lucas, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wilson, and Wyatt—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Johnson of Sacramento moved that when the Assembly adjourn on this day, it be until ten o'clock A. M. of Thursday, February 28, 1907.

Motion carried.

Senate Bill No. 12—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said court, and

fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorneys and a stenographer, and providing for their appointment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Boyle, Bush, Case, Coghlan, Collister, Cornish, Davis, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Smith, Smyth, Snyder, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—52.

NOES—Mr. Costar—1.

Title read and approved.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 240 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Coghlan, Cornish, Cullen, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lynch, McKeon, McMullin, Pierce, Smith, Snyder, Stanton, Strohl, Strobridge, Toomey, Transue, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—Messrs. Birdsall, Cogswell, Collister, Costar, Cutten, Devlin, Hammon, Lucas, McConnell, Pyle, Smyth, Spaulding, Stetson, Thompson of Los Angeles, and Weske—15.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Wyatt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 240 was this day passed.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

Senate Bill No. 115—An Act appropriating money for the construction and equipment of a cold-storage plant at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 115 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hans, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Smyth, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—53.

NOES—Mr. Beban—1.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Assembly Bill No. 957—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907, inclusive.

Assembly Bill No. 958—An Act to amend Section 416 of the Political Code so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund.

Assembly Bill No. 974—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Assembly Bill No. 1019—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Assembly Bill No. 965—An Act to furnish the office of superintendent of schools of the City and County of San Francisco with the Statutes, Code Amendments, and Indexes to the Laws of the State of California.

Assembly Bill No. 827—An Act to create the office of State Game Warden, and to define his powers and duties, and to provide for the protection of the game by the use of such moneys only as are contributed by those who kill it.

Also: Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

Also: That the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 404—An Act entitled an Act to prevent the holding of title to real property for a longer term than five years unless the grantor shall become a citizen of the United States, or declare his intention to become such citizen; also, preventing the holding of title by lease or devise for a longer time than one year by an alien.

Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof.

Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

The above reported reëngrossed bills were ordered on file for passage.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 975 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cutten, Devlin, Drew, Estudillo, Finney, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, McClellan, McConnell, McKeon, Otis, Pierce, Pyle, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

By Ways and Means Committee: Assembly Bill No 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology and the appointment of a State Plant Pathologist for the purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

By Ways and Means Committee: Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

By Mr. Transue: Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers, and documents in the office of the Surveyor-General, and making an appropriation therefor.

By Mr. Strobridge: Assembly Bill No. 1027—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

STANTON, Chairman.

The question being, "Shall the constitutional provision relating to the introduction of bills be suspended?"

The roll was called, and the above reported bills were allowed to be introduced by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—62.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Committee on Ways and Means: Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathlogical Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist, for the purpose of investigation in the field of viticulture, and making an appropriation therefor.

Bill read first time, and placed on file without reference.

By Committee on Ways and Means: Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

Bill read first time, and placed on file without reference.

By Mr. Transue: Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers, and documents in the office of the Surveyor-General, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Strobridge: Assembly Bill No. 1027—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor and Capital.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 416—An Act to regulate the licensing and powers of detectives, and to provide for the regulation of the business of watchman and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 416 refused passage by the following vote:

AYES—Messrs Boyle, Chandler, Coghlan, Costar, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Kohlman, Lucas, Lynch, McKeon, O'Brien, Otis, Stetson, Wessling, and Wilson—23.

NOES—Messrs. Baxter, Bell, Berry, Butler, Case, Cogswell, Cornish, Cutten, Devlin, Estudillo, Johnson of San Diego, Leeds, McClellan, McConnell, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—30.

NOTICES OF MOTIONS TO RECONSIDER.

Mr. Devlin gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 416 was this day refused passage.

Mr. Davis gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 12 was this day passed.

Mr. Bishop gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 49 was this day refused passage.

SPECIAL ORDER SET.

On motion of Mr. Stanton, the further consideration of Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Also: Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Also: Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act

entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Were made special orders for ten o'clock and thirty minutes A. M. of Thursday, February 28, 1907.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 967—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PYLE, Chairman.

Assembly Bill No. 967 ordered on file for second reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 774—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 774 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cutten, Devlin, Drew, Estudillo, Finney, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 752—An Act to provide for the licensing of architects, and for the regulation of the practice of architecture as a profession.

During the third reading of the bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill as follows:

On line 32, Section 11, page 8, printed bill, after the word "construct," strike out the period, and add the following: " ; nor shall anything in this Act contained prevent any superintendent, engineer, or other officer or employé of any person or corporation from making plans and specifications for buildings to be erected for such person or corporation."

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 752, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of $300,' approved February 18, 1874, and an Act amendatory thereof," approved March 8, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 753 passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Coghlan, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 770—An Act to amend Section 987 of the Penal Code.

During third reading of the bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

By adding after line 18 of Section 1 of the printed bill as follows: "*provided*, that the provisions of this Act shall apply only to trials in the superior court."

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 770, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to print and reëngrossment.

Assembly Bill No. 523—An Act to add a new section to the Civil Code, to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities.

Bill re-referred to Committee on Corporations.

Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 414 passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stanton, Strobridge, Thompson of Los Angeles, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524—An Act to add a new section to the Penal Code, to be known as Section 393*a*, to provide for the giving of notice of accidents occurring on any railroad in California.

Bill ordered to foot of file.

Assembly Bill No. 827—An Act to create the office of State Game Warden, and to define his powers and duties, and to provide for the protection of the game by the use of such moneys only as are contributed by those who kill it.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 827 passed by the following vote:

AYES—Messrs. Barry, Birdsall, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Stanton, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—Mr. Wyatt—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 904 passed by the following vote:

AYES—Messrs. Barry, Beban, Birdsall, Boyle, Collister, Costar, Cullen, Cutten, Davis, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartman, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Pyle, Root, Sackett, Stetson, Strobridge, Thompson of San Francisco, Toomey, Transue, Walsh, Weske, Wilson, and Mr. Speaker—42.

NOES—Messrs. Berry, Bush, Butler, Case, Chandler, Cogswell, Cornish, Finney, Hammon, Percival, Stanton, and Wyatt—12.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 903 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Chandler, Coghlan, Collister, Costar, Cutten, Estudillo, Finney, Fisher, Forbes, Hammon, Hans, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, Pyle, Root, Sackett, Stanton, Strohl, Thompson of San Francisco, Transue, Walsh, Weske, Wessling, Wilson, and Mr. Speaker—43.

NOES—Messrs. Baxter, Case, Cornish, Cullen, Fratessa, Hartmann, O'Brien, Percival, and Wyatt—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties jointly with other persons or corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 887 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Percival Pierce, Pyle, Root, Stanton, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 882 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Boyle, Bush, Butler, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Devlin, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Stanton, Strohl, Strobridge, Thompson of San Francisco, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the Board of Trustees of the City of Sacramento," approved March 22, 1886.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 913 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Boyle, Bush, Butler, Cogswell, Collister, Costar, Cullen, Devlin, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 914 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Boyle, Bush, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Devlin, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento, Kelly, Leeds, Lucas, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 907 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Boyle, Bush, Butler, Case, Cogswell, Coghlan, Collister, Costar, Cullen, Devlin, Forbes, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Kelly, Leeds, Lucas, McClellan, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, relating to the age of children referred to therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 808 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento, Kelly, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, O'Brien, Percival, Pierce, Pyle, Root, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 838 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Bishop, Boyle, Bush, Chandler, Cogswell, Collister, Costar, Cutten, Devlin, Finney, Hammon, Hartmann, Held, Hewitt, Kelly, Lemon, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Stanton, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

NOES—Messrs. Birdsall, Butler, Cornish, Cullen, Forbes, Fratessa, Johnson of Sacramento, Lucas, Lynch, and Thompson of San Francisco—10.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for the patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 931 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Devlin, Finney, Forbes, Hammon, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 580—An Act to add a new section to the Code of Civil Procedure, relating to costs in civil actions, to be numbered 1040.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 580 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Cogswell, Coghlan, Collister, Costar, Cutten, Devlin, Forbes, Fratessa, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 906—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Bill re-referred to Committee on Ways and Means.

Assembly Bill No. 853—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 853 refused passage by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Devlin, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, McKeon, O'Brien, Pyle, Root, Smith, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—45.

NOES—Messrs. Otis and Percival—2.

Assembly Bill No. 965—An Act to furnish the office of superintendent of schools of the City and County of San Francisco with statutes, code amendments, and indexes to the laws of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 965 passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Devlin, Finney, Fratessa, Hammon, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Smith, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1019—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1019 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Drew, Finney, Fratessa, Hammon, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington,

McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Smith, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Percival gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 853 was this day refused passage.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment.

Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered Section 7½.

Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Assembly Bill No. 11—An Act entitled "An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges."

Assembly Bill No. 402—An Act to add a new section to the Political Code of the State of California, to be known as Section 1641, relating to and defining who are census children.

Assembly Bill No 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.

Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled an Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

And were presented to the Governor February 27, 1907, at three o'clock and fifteen minutes P. M.

HANS, Chairman.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from $65,000 per

annum to $75,000 per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita,' approved March 12, 1901, by providing for a fixed annual appropriation of $65,000 in the place and stead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles, and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations, and paroles, and to have the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks, and employés—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property, and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

Also: Assembly Bill No. 655—"An Act to amend Section 3747 of the Political Code, relating to the payment of taxes"—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 675—An Act to amend Sections 3804 and 3805*a* of the Political Code, relating to the refunding of taxes, and the cancellation of certificate of tax sales—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 87—An Act to add a new section to the Political Code, to be numbered Section 3804*a*, relating to the cancellation of erroneous assessments.

Also: Assembly Bill No. 955—An Act to amend Section 3680 of the Political Code of the State of California, relating to the sale of land for taxes.

Also: Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license

tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

The above reported bills ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, February 27, 1907.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, spurs, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

CUTTEN, Chairman.

Senate Bill No. 461 ordered on file for second reading.

ON COUNTY AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1907.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 982—An Act establishing a portion of the eastern boundary line of Mendocino County—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

McGUIRE, Chairman.

Assembly Bill No. 982 ordered on file for second reading.

ADJOURNMENT.

At six o'clock and ten minutes P. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Thursday, February 28, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, February 28, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hans, Held, Hewitt, Johnson of Sacramento, Jury, Leeds, Lucas, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Smith, Smyth, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. John, Vogel, Eshleman, McGuire, and O'Brien.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Held, its further reading was dispensed with.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reëngrossed, viz:

Assembly Bill No. 456—An Act to repeal Article XVI of Chapter III, Part III, Title I of the Political Code, and each and every section of said title, and Sections 419, 420, 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

HANS, Chairman.

Assembly Bill No. 456 was ordered on file for passage.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Also: Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Also: Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Also: Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of Justices of the Supreme Court for the current fiscal year.

Also: Assembly Bill No. 322—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Also: Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Also: Assembly Bill No. 644—An Act making an appropriation of $4,000, to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.

Also: Assembly Bill No. 98—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Also: Assembly Bill No. 643—An Act to amend an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section, to be numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Also: Assembly Bill No. 624—An Act making an appropriation of five hundred dollars ($500) for the purpose of repairing and preserving the Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Also: Assembly Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

Also: Committee Substitute for Senate Bills Nos. 238, 665, 710—An Act for the regu-

lation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation.

Also: Committee Substitute for Senate Bills Nos. 21 and 394—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions.

LEWIS A. HILBORN, Secretary of Senate.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed as a case of urgency Senate Bill No. 876—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the County of Glenn between Mendocino and Glenn counties.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 558—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901—and respectfully request that your honorable body concur in the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day requested that you return to the Senate Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901—for amendment to the title.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bills Nos. 43, 153, 154, 155, 322, 417, 644, 98, 212, 643, 624, and 48 ordered to enrollment.

Committee Substitute for Senate Bills Nos. 238, 665, and 710 read first time, and referred to Committee on Public Health and Quarantine.

Committee Substitute for Senate Bills Nos. 21 and 394 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 876 read first time, and placed on file without reference.

WITHDRAWAL OF BILL.

Mr. Held asked for and was granted unanimous consent to withdraw Assembly Bill No. 982, it being identical with Senate Bill No. 876, now in this House.

Assembly Bill No. 982 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 491?"

SENATE AMENDMENTS.

On page 1, title, amend by striking out all of the title, and inserting in lieu thereof the following:

An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision, without Governor's approval, February 25, 1901, by amending Sections 2, 5, 7, and 9 thereof.

Also: On page 2, line 8, insert immediately after the word "uses" the word "wharves."

Also: On page 5, Section 5, line 4, strike out the period after the word "hereby," and insert in lieu thereof the following: "*provided, however*, that all proceedings which may have been, prior to the passage of this Act, taken by any city, town, or municipal corporation incorporated under the laws of this State in the manner prescribed by the said Act of which this Act is amendatory, for the incurring of indebtedness for the purpose of acquiring, constructing, completing, or repairing any wharf or wharves, shall be and the same is hereby declared to be valid as fully as though the incurring of indebtedness for such purpose had been expressly authorized by said Act, and any and all indebtedness incurred, or which may hereafter be incurred, by any such city, town, or municipal corporation, or any bonds which may have been, or may hereafter be, issued pursuant to any such proceedings so taken or had, shall be and the same are hereby declared to be valid as fully as though the creation of said indebtedness, or the issuance of said bonds had been expressly authorized by said Act."

The roll was called, and the Assembly refused to concur in Senate amendments to Assembly Bill No. 491 by the following vote:

AYES—Messrs. Beckett, Berry, Boyle, Bush, Coghlan, Collister, Cornish, Davis, Drew, Forbes, Held, Lynch, McKeon, McMullin, Percival, Snyder, Spaulding, Strobridge, Thompson of San Francisco, and Whitmore—20.

NOES—Messrs. Case, Cogswell, Devlin, Fratessa, Hammon, Hans, Hewitt, Johnson of Sacramento, Leeds, Lucas, Pierce, Pyle, Root, Smith, Smyth, Stetson, Thompson of Los Angeles, Toomey, Transue, Wilson, Wyatt, and Mr. Speaker—22.

NOTICE OF MOTION TO RECONSIDER.

Mr. Transue gave notice that on the next legislative day he would move a reconsideration of the vote whereby the Assembly this day refused to concur in Senate amendments to Assembly Bill No. 491.

Assembly Bill No. 491 ordered transmitted to the Senate, in accordance with request from the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed, viz:

Assembly Bill No. 517—An Act to provide for permanently draining Lake Earl, in Del Norte County, and making an appropriation therefor.

HANS, Chairman.

Assembly Bill No. 517 ordered on file for third reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 347—An Act to authorize the depositing of county and municipal moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, with nine amendments, and recommend that the same do pass as amended.

JURY, Chairman.

Assembly Bill No. 347 ordered on file for second reading.

ON PUBLIC CHARITIES AND CORRECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 689—An Act to repeal an Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

LUCAS, Chairman.

Assembly Bill No. 689 referred to Committee on Ways and Means.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 929—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Also: Senate Bill No. 235—An Act to amend Sections 2153*a* and 2154 of the Political Code of the State of California, relating to the appointment of the dentists in State hospitals for the care and treatment of the insane.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

HELD, Chairman.

The above reported bills ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Bill No. 690—An Act in relation to fees of county recorders in recording documents or writings for water users' associations, incorporated in conformity with the direction of the United States, under the Act of Congress, approved June 17, 1902; and relating to the use of printed matter or blanks by such recorders.

Also: Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals, and excavations to the United States, over the public lands of this State."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions.

Also: Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Also: Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases.

Also: Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Also: Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Also: Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Also: Senate Bill No. 330—An Act to amend Section 1365, of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Also: Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Also: Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975*a*, providing for the transfer of certain moneys from one county to another, when a new county has been formed and organized.

Also: Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

Also: Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975*b*, and to amend Sections 3976, 3981 and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Also: Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

Also: Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure and to add a new section thereto, to be numbered 700*a*, both relating to execution sales.

Also: Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Also: Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the time in which appeals may be taken in criminal cases.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No 308—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

WYATT, Chairman.

The above reported bills, with the exception of Senate Bill No. 417, ordered on file for second reading.

Senate Bill No. 417 referred to Committee on Judiciary.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SPAULDING, Chairman.

Senate Bill No. 643 ordered on file for second reading.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

To the Assembly of the State of California:

I herewith return to you Assembly Bill No. 324, with my disapproval.

This bill adds to the present force of the Surveyor-General's office, an expert and a bookkeeper, each to receive a salary of $2,000 per annum, and it also increases the salary of the Deputy Surveyor-General $400, and the Assistant Surveyor-General $400, making in all the sum of $4,800 per year.

This increase in officers and raise in salaries seems to be unnecessary, when we stop to think that nearly all of the land belonging to the State has been sold. Surely the same office force that did the work of this office in the past, when the State owned a large acreage of land, should be able to do the work in the future, with our land nearly gone.

For the foregoing reasons, I am of the opinion that the present law providing for the help in the Surveyor-General's office, and fixing the salaries thereof, is sufficient.

J. N. GILLETT,
February 27, 1907. Governor of the State of California.

REQUESTS FOR INTRODUCTION OF BILLS.

The following petitions asking permission to introduce bills out of order were offered:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

COGHLAN,
Member Forty-first Assembly District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act granting to municipal corporations rights of way over public lands of the State, for the location, construction, and maintenance of water works and power plants; and the right to take materials from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipality and inhabitants with water.

STANTON,
Member Seventy-first Assembly District.

Petitions referred to Committee on Introduction of Bills.

SPECIAL ORDERS.

The hour of ten o'clock and thirty minutes A. M. having arrived.

The special orders heretofore set for consideration at this hour were taken up in the following order:

Senate Bill No. 590—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts and parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making appropriation for the salary and expenditures provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 590 finally passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Hammon, Hans, Held, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—Messrs. Johnson of Sacramento and Smyth—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 607—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 607 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—Messrs. Johnson of Sacramento and Smyth—2.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSTITUTION SUSPENDED.

The following resolution was introduced out of order (unanimous consent having been obtained for its reception):

By Mr. Transue:

Resolved, That Assembly Bill No. 987 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "immediately," Section 3, on line 1, first page, printed bill, and inserting in lieu thereof the following: "on and after July 1, 1907."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 987 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of the Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

SPECIAL ORDER SET.

On motion of Mr. Drew, the further consideration of Assembly Bill No. 456—An Act to repeal Article XVI of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance—was made a special order for twelve o'clock M. of this day.

RE-REFERENCE OF BILL.

On motion of Mr. Lemon, Assembly Bill No. 66—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipments and furnishings, at the Southern California State Hospital, and to make appropriation for the same—was re-referred to Committee on State Hospitals and Asylums.

THIRD READING OF BILLS.

Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 649 passed by the following vote:

AYES—Messrs. Beckett, Birdsall, Bush, Butler, Campbell, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, McConnell, McKeon, O'Brien, Percival, Pyle, Root, Sackett, Smith, Smyth, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—Mr. Thompson of San Francisco—1.

Mr. Weske moved to amend the title of Assembly Bill No. 649 to read as follows:

An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California, and of the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County, to employ regularly ordained ministers and priests to visit, and minister spiritual advice and consolation to the inmates of said institutions, and to provide for their compensation.

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 974—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 974 passed by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Campbell, Case, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, McClellan, McConnell, McKeon, Percival, Pyle, Sackett, Smith, Smyth, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 957—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of the State of California, 1850–1907, inclusive.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 957 passed by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bush, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Leeds, Ludington, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smyth, Snyder, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 935 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bishop, Bush, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Pyle, Root, Sackett, Smith, Stanton, Strobridge, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—46.

NOES—Messrs. Otis and Smyth—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404—An Act to amend Title I of Part IV of the Civil Code of the State of California by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 404 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bishop, Bush, Campbell, Case, Cogswell, Coghlan, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Wessling, Whitmore, Wilson, and Mr. Speaker—48.

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Fratessa moved a call of the House.

Motion carried.

Time, eleven o'clock and forty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Stanton, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—59.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and fifty minutes A. M. further proceedings under the call of the House were dispensed with, on motion of Mr. Fratessa.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, Ludington, Lynch, McConnell, McMullin, Percival, Pierce, Pyle, Sackett, Smith, Smyth, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—53.

NOES—Messrs. Case, Cutten, Hammon, Jury, McClellan, McKeon, Root, and Weske—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Stanton gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 340 was this day passed.

Assembly Bill No. 423—An Act to amend Section 2653 of the Political Code, relating to property highway tax.

During the third reading of the bill, Mr. Sackett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the words "one dollar," on line 10, first page, printed bill, and insert in lieu thereof the following: "seventy-five cents."

Motion carried.

The Speaker appointed Mr. Sackett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 483, with instructions, do now report that the instructions of the Assembly have been carried out.

SACKETT, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to print and reëngrossment.

SPECIAL ORDER.

The hour of twelve o'clock M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 456—An Act to repeal Article XVI of Chapter III, Part III, Title I of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 456 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wilson, and Mr. Speaker—50.

NOES—Messrs. Johnson of Sacramento, and Stetson—2.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSTITUTION SUSPENDED.

The following resolution was offered out of order (unanimous consent having been obtained for its reception):

By Mr. Transue:

Resolved, That Assembly Bill No. 1025 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—59.

NOES—None.

Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 1025 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill considered engrossed, and ordered on file for passage.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1025 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 145 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed, viz:

Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

HANS, Chairman.

Assembly Bill No. 861 ordered on file for third reading.

RESOLUTION.

The following resolution was submitted:

By Mr. Held:

Resolved, That the sum of six hundred dollars ($600) is hereby appropriated from the Contingent Fund of the Assembly for the purpose of purchasing boxes, packing, marking, and expressing all papers and documents belonging to the Assemblymen to their places of residence at the close of the session; the Controller of State is hereby authorized to draw his warrant in favor of the Sergeant-at-Arms of the Assembly for the above amount, and the Treasurer directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—57.

NOES—None.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Committee Substitute for Senate Bills Nos. 238, 665, and 710—An Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

Committee Substitute for Senate Bills Nos. 238, 665, and 710 ordered on file for second reading.

ON CONTESTED ELECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Contested Elections, to whom was referred the depositions, original statement, copy of notice, and commission in the matter of the right of John Wessling to a seat in the Assembly of the State of California, from the Thirty-sixth Assembly District, wherein Eugene E. Pfaeffle is contestant, and John Wessling is contestee, have examined the endorsements on the statement of grounds of contest, and have found that said statement was not filed within the time required by law, and therefore report the papers and documents above specified back, and recommend that no further proceedings be had in said contest.

SNYDER, Chairman.

Report read.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, and Mr. Speaker—56.

NOES—None.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 54 finally passed by the following vote:

AYES—Messrs. Barry, Berry, Bishop, Boyle, Bush, Case, Chandler, Coghlan, Collister, Cullen, Cutten, Fisher, Forbes, Fratessa, Hammon, Hartmann, Higgins, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, McClellan, McGuire, McKeon, McMullin, Percival, Pierce, Pyle, Sackett, Smyth, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 93—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 93 finally passed by the following vote:

AYES—Messrs. Barry, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hartmann, Held, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lucas,

Ludington, McClellan, McKeon, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 23—An Act to amend Section 1329 of the Penal Code, relating to the payment of witnesses in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 23 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Boyle, Bush, Case, Chandler, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Wilson, Wyatt, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 363—An Act authorizing the transfer of moneys from the salary fund of the State Normal School at San Francisco to the printing fund of said school.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 363 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Costar, Cullen, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés and servants selected and employed by the Governor therein, and for the appropriation of necessary moneys for such purpose, and directing the State Controller to issue warrants upon the General Fund, and directing the State Treasurer to pay said warrants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 611 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 401—An Act providing for the extermination of the Boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 401 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—56.

NOES—Mr. Smyth—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

Bill read third time on a previous day.

Mr. Forbes moved that the Speaker appoint a select committee of one to amend the bill as follows:

By striking out of Section 19*a*, on page 6 of the printed bill, the following words in line 4: "every person, company, or corporation, except."

Also: In line 5, the words: "which is now transacting or."

Also: In line 22, the words: "and may, in this behalf, revoke any and all licenses."

Also: In line 23, the words: "heretofore or hereafter granted."

Also: After the word "capital," in line 25, insert the following: "*provided, however*, that the provisions of this section shall not apply to corporations now in existence."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 396 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Boyle, Bush, Campbell, Chandler, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Root, Smith, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Bell, Cogswell, Costar, Devlin, Hewitt, Higgins, O'Brien, Smyth, and Weske—9.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Forbes gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 396 was this day passed.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or ballot machines, defining their power, and providing for the use at the option of the indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county, or city and county, or city or town, at any or all elections held therein, and for

ascertaining the result of said elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines.

During third reading of the bill, Mr. Stetson moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend the printed bill by striking out all of the bill after Section 1 to the end of Section 4, and insert in place of the matter so stricken out the following as Section 2 of the bill:

SEC. 2. At least twenty days before an election in any political subdivision where voting machines are to be used in one or more precincts, of such subdivision, under and pursuant to the law of this State, it shall be the duty of the Board of Election Commissioners or other body having charge and control of such election, to notify in writing by mail with postage prepaid the chairman or secretary of the executive or central committee of any political party or organizations for the territory, which may have made nominations of candidates to be voted for at such election, that it may appoint representatives of such political party who shall be authorized to attend and observe the final adjustment, testing and sealing of such ballot machines, and thereupon it shall be the right of such committee to appoint as many representatives as it may see fit to select for such purpose, and to issue certificates of such appointment to such representatives by the secretary of such committees, respectively, which shall forthwith send a list of such representatives with the name of the political party or organization for which they are selected, and the name of each representative with his full address, adding street and number, to the said Board of Election Commissioners or other body having charge and control of such election. If any political party or organization which has made nominations shall not have any chairman or secretary of such committee, or the name and address of such chairman or secretary shall not appear in its nomination papers, then the said election commissioners may send the notice above required to any person named in its nomination papers as the person to whom the certificate of nomination may be returned. Such Board of Election Commissioners shall thereafter, and at least five days before the time therefor, send written notice with postage prepaid to each such representative of a political party or organization which has so been filed in its office, with the address of such representative; which notice shall state the time and place before such election where such representatives are invited to attend, to observe the final adjustment, testing and sealing of such voting machines, and thereafter at such time and place the final adjustment, testing and sealing of such voting machines under the directions of such Board of Election Commissioners, shall proceed in the presence of as many of said representatives as shall assemble to observe and view the same; a full and complete opportunity shall then and there be given to such representatives to observe the processes by which such adjustment, testing and sealing is performed, and to see that the said machines are set at zero, and without any vote registered thereon for the advantage of any party or candidate or otherwise. When the said machines are so sealed they shall not be unsealed again except by the precinct election board on the day of election and except for trial as to their correctness after transportation to the various booths or polling places, at which places such trial may be made as the Board of Election Commissioners or body having control of the elections shall direct, to see if any machine has become in any way disarranged during transportation to the polling place, and a seal necessary to such investigation may be broken or any work performed that may be necessary to put any machine in any such polling place in complete working order for such election, and the representatives aforesaid shall have the right to attend at any and all polling places for the purpose of viewing and observing any such unsealing arrangement and resealing, which final work shall take place not later than the day before the election, nor earlier than the third day before the election. If independent candidates are nominated, and no chairman or secretary is named in the certificate of nomination, then such candidate, or candidates shall be notified as herein specified, and may attend, or appoint representatives to attend, with all the rights and privileges provided for by this Act.

It shall be the duty of the Board of Election Commissioners, or other body having charge and control of such election, to notify in writing by mail, with postage prepaid, the chairman or secretary of the executive or central committee of any political party or organization hereinbefore referred to, and any independent candidate or candidates hereinbefore referred to, of the time when the final inspection, adjustment, testing and sealing of such voting or ballot machines will commence at the polling places, and of the place or places from which the inspectors will start in the performance of such duty, and that the representatives appointed pursuant to this Act or such independent candidate or candidates, may attend as provided by this Act. Such notices shall be so mailed not less than three days before the time named for commencing such final inspection.

Also: Amend the printed bill by changing Section 5 to Section 3.

Also: Amend the printed bill by changing Section 6 to Section 4.

Motion carried.

The Speaker appointed Mr. Stetson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 646, with instructions, do now report that the instructions of the Assembly have been carried out.

STETSON, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

During third reading of the bill, Mr. Drew moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert in line 21, page 2, printed bill, after the word "drainage," the words "five thousand dollars."

Motion carried.

The Speaker appointed Mr. Drew as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 58, with instructions, do now report that the instructions of the Assembly have been carried out.

DREW, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Speaker pro tem. J. B. Transue in the chair.

Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

During third reading of the bill, Mr. Stetson moved that the Speaker appoint a select committee of one to amend the bill as follows:

By adding after the word "newspaper," line 7, Section 1, first page of the printed bill, the words "of general circulation."

Motion carried.

The Speaker appointed Mr. Stetson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 244, with instructions, do now report that the instructions of the Assembly have been carried out.

STETSON, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Senate Bill No. 229—An Act to provide for the location, survey, and construction of a State highway in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 229 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Leeds, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, and Wyatt—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Johnson of Sacramento moved a call of the House.

Motion carried.

Time, three o'clock and forty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and forty-eight minutes P. M. further proceedings under the call of the House were dispensed with, on motion of Mr. Kohlman.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Bishop, Boyle, Bush, Butler, Case, Coghlan, Cornish, Cullen, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Pierce, Pyle, Root, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Wessling, Wilson, and Mr. Speaker—43.

NOES—Messrs. Birdsall, Campbell, Chandler, Cogswell, Costar, Cutten, Davis, Devlin, Drew, Finney, Hewitt, Higgins Lucas, McClellan, Otis, Percival, Sackett, Smith, Smyth, Spaulding, Stetson, Strobridge, Weske, Whitmore, and Wyatt—25.

Title read and approved.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 778—An Act to change the boundaries of the County of Los Angeles—have had the same under consideration, and respectfully report the same back, without recommendation.

McGUIRE, Chairman.

Assembly Bill No. 778 ordered on file for second reading.

Speaker R. L. Beardslee in the chair.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Percival moved that the vote whereby Assembly Bill No. 853—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges—was refused passage, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Lynch, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—Messrs. Cogswell, Costar, McKeon, and Percival—4.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Barry moved a call of the House.

Motion carried.

Time, four o'clock and three minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and seven minutes P. M. further proceedings under the call of the House were dispensed with, on motion of Mr. Barry.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Bishop, Boyle, Bush, Chandler, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—Messrs. Birdsall, Case, Cogswell, Costar, Otis, and Percival—6.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

By Mr. Stanton: Assembly Bill No. 1028—An Act granting to municipal corporations of the State of California rights of way over public lands of the State, for the location, construction, and maintenance of water works and power plants, and the right to take materials from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipality and its inhabitants with water.

By Mr. Stetson: Assembly Bill No. 1029—An Act to amend the Political Code of the State of California by adding divers new sections thereto, and providing for the improvement of the rivers, lakes, and streams, or any part of them, of the State of California, and prescribing the manner of locating boating claims upon them, or any part of them.

STANTON, Chairman.

The question being put, "Shall the constitutional provision relating to the introduction of the bills be suspended for the purpose of allowing the above designated bills to be introduced?"

The roll was called, and the bills were allowed to be introduced by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Stanton: Assembly Bill No. 1028—An Act granting to municipal corporations of the State of California rights of way over public lands of the State, for the location, construction and maintenance of water works and power plants, and the right to take materials from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipality and its inhabitants with water.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Stetson: Assembly Bill No. 1029—An Act to amend the Political Code of the State of California by adding divers new sections thereto and providing for the improvement of the rivers, lakes, and streams or any part of them of the State of California, and prescribing the means of locating boating claims upon them or any part of them.

Bill read first time, and referred to Committee on Levees and River Improvements.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 814—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under

and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Also: Assembly Bill No. 204—An Act for the prevention of the manufacture, sale or transportation of adulterated or misbranded drugs, regulating the traffic in drugs and providing penalties for violation.

Also: Assembly Bill No. 206—An Act compelling railroads doing business in this State as common carriers of passengers and freight, to have, keep, operate and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to keep, operate, and maintain freight warehouses for the purpose of receiving and discharging freight, in any municipal corporation, incorporated city, or city and county, or incorporated town traversed by the tracks or road of any railroad, also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act.

Also: That the following Assembly bills have been correctly engrossed:

Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Also: Assembly Bill No. 225—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Also: Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to foreign corporations.

Also: Assembly Bill No. 490—An Act to amend Section 637*a* of the Penal Code of California and to add thereto four new sections to be numbered 637*b*, 637*c*, 637*d*, and 637*e*, all relating to protection of wild birds other than game birds, and their nests and eggs.

Also: Assembly Bill No. 872—An Act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasurers of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditure by the counties of the money so paid.

Also: Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2033 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Also: Assembly Bill No. 871—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Also: Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf.

Also: Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled 'An Act to establish a Penal Code," approved February 14, 1872.

HANS, Chairman.

The above reported reëngrossed bills were ordered on file for passage.

The above reported engrossed bills were ordered on file for third reading.

NOTICE OF MOTION TO RECONSIDER.

Mr. Baxter gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 540 was this day passed.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read third time on a previous day.

During third reading of the bill, Mr. Bush moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by inserting after the word "or," line 10, Section 1, printed bill, the following: "within one and one half miles of any national home for disabled volunteers established."

Motion carried.

The Speaker appointed Mr. Bush as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 861, with instructions, do now report that the instructions of the Assembly have been carried out.

BUSH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint and reëngrossment.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Devlin moved that the vote whereby Assembly Bill No. 416—An Act to regulate the licensing and powers of detectives, and to provide for the regulation of the business of watchman and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof—was refused passage, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Mr. Cutten moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend the title in printed bill so to read as follows: "An Act to regulate the business of detectives, guards, and watchmen in the State of California, and prescribing penalties for a violation thereof."

Also: Strike out all following the enacting clause in printed bill, and insert in lieu thereof the following:

"SECTION 1. It shall be unlawful for any person in this State to engage in the business, or act in the capacity of detective, watchman, or guard, and bear arms in such capacity, unless such person shall have been a resident of the State of California for at least six months.

"SEC. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor.

"SEC. 3. This Act shall take effect immediately."

Motion carried.

The Speaker appointed Mr. Cutten as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 416, with instructions, do now report that the instructions of the Assembly have been carried out.

CUTTEN, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Wyatt moved that the vote whereby Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases—was passed, be reconsidered.

Motion seconded.

SPECIAL ORDER SET.

On motion of Mr. Wyatt, the further consideration of Senate Bill No. 240 was made a special order for eleven o'clock A. M. of Friday, March 1, 1907.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Chandler moved that the vote whereby Assembly Bill No. 804—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members—was refused passage, be reconsidered.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Chandler moved a call of the House.

Motion carried.

Time, four o'clock and thirty-three minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Barry, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Pierce, Pyle, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—52.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and thirty-seven minutes P. M. further proceedings under the call of the House were dispensed with, on motion of Mr. Chandler.

The roll of absentees was called.

Whereupon the Speaker announced that the motion to reconsider was carried by the following vote:

AYES—Messrs. Barry, Birdsall, Bishop, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Lucas, Lynch, McConnell, McKeon, O'Brien, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—44.

NOES—Messrs. Bell, Berry, Boyle, Forbes, Fratessa, Hammon, Hans, Hartmann, Kohlman, Leeds, Lemon, Ludington, Otis, Smyth, and Strohl—15.

SPECIAL ORDER SET.

On motion of Mr. Chandler, the further consideration of Assembly Bill No. 804 was made a special order for eleven o'clock A. M. of Saturday, March 2, 1907.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Bishop moved that the vote whereby Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—was refused passage, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barry, Birdsall, Bishop, Bush, Butler, Collister, Davis, Devlin, Drew, Estudillo, Fratessa, Hammon, Hans, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, and Mr. Speaker—43.

NOES—Messrs. Bell, Boyle, Case, Forbes, Otis, Smyth, Strobridge, and Wyatt—8.

SPECIAL ORDER SET.

On motion of Mr. Bishop, the further consideration of Senate Bill No. 49 was made a special order for three o'clock and thirty minutes P. M. of Friday, March 1, 1907.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Education, to whom was re-referred Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass, as amended.

SACKETT, Chairman.

Assembly Bill No. 902 ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 66—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipments and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and be re-referred to the Committee on Ways and Means.

HELD, Chairman.

Senate Bill No. 65 and Assembly Bill No. 66 referred to Committee on Ways and Means.

ON LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Levees and River Improvements, to whom was referred Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through,

or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in said channels, and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BUTLER, Chairman.

Assembly Bill No. 991 ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 988—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674*a*, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Also: Assembly Bill No. 1027—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BUSH, Chairman.

The above reported bills ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 281—An Act making an appropriation of three thousand five hundred dollars to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Also: Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 254—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.

Also: Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Also: Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Also: Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

Assembly Bill No. 632—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.

Bill ordered stricken from the file.

THIRD READING OF BILLS.

Assembly Bill No. 517—An Act to appropriate $20,000 out of any money in the State treasury, not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 517 passed by the following vote:

AYES—Messrs. Barry, Bell, Berry, Birdsall, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Lynch, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

During third reading of the bill, Mr. Ludington moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "system," in line 6 of the printed bill, strike out the "comma" and the words "under competent teachers."

Also: Strike out the word "state," in line 9 of the printed bill, and insert in lieu thereof the word "county."

Motion carried.

The Speaker appointed Mr. Ludington as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 842, with instructions, do now report that the instructions of the Assembly have been carried out.

LUDINGTON, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 814—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act, to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 814 passed by the following vote:

AYES—Messrs. Barry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Davis, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lynch, O'Brien, Otis, Pierce, Pyle, Root, Smith, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Mr. Smyth—1.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At five o'clock and seven minutes P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, February 28 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273*g*, relating to indulging in degrading, lewd, immoral or vicious habits or practices, or being habitually drunk in the presence of children.

Also: Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

Also: Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867,' approved March 30, 1868,' approved March 12, 1885.

Also: Senate Bill No. 732—An Act to amend an Act entitled "An Act to authorize the appointment of an interpreter of the Italian language and dialects in criminal proceedings in cities, cities and counties, of one hundred thousand inhabitants," and to make said Act applicable to the counties of the second class of this State.

Also: Senate Bill No. 633—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Also: Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

Also: Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Also: Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 751—An Act to amend Section 4178 of the Political Code, relating to the duties of the county clerks.

Also: Senate Bill No. 603—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 352 read first time, and referred to Committee on Judiciary.

Senate Bill No. 705 read first time, and referred to Committee on Judiciary.

Senate Bill No. 561 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 815 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 732 read first time, and referred to Committee on Judiciary.

Senate Bill No. 633 read first time, and referred to Committee on Judiciary.

Senate Bill No. 727 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 813 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 812 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 751 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 603 read first time, and referred to Committee on Public Morals.

SECOND READING OF BILLS.

Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "fifteen," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "five."

Also: Amend by striking out the words "from and after its passage," Section 3, line 1, first page, printed bill, and inserting in lieu thereof the following: "on and after July 1st, 1907."

Amendments adopted.

Bill read second time.

Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "five," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "two."

Also: Amend by striking out the word "one," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "five."

Also: Amend by striking out the words "and fifty," Section 1, on lines 1 and 2, first page, printed bill.

Also: Amend by striking out the words "from and after its passage," Section 3, on line 1, first page, printed bill, and inserting in lieu thereof the following: "on and after July 1, 1907."

Amendments adopted.

Bill read second time.

Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "from and after its passage," Section 3, on lines 1 and 2, first page, printed bill, and inserting the following: "on and after July 1, 1907."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 2, line 5 of printed bill, the period (.) at the end of said line, and inserting at the end of said line the following: "and if required to purchase additional lands therefor."

Amendment adopted.

Bill read second time.

Mr. Thompson of Los Angeles moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 51, 53, and 54.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 51, 53, and 54 considered.

Mr. Thompson of Los Angeles moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

And do now report the same back, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

Bills ordered to print and engrossment.

Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "six," Section 1, on line 1, first page, printed bill, and inserting in lieu thereof the following: "five."

Also: Amend by striking out the words "from and after its passage," Section 3, line 1, first page, printed bill, and inserting in lieu thereof the following: "on and after July 1, 1907."

Amendments adopted.

Bill read second time.

Assembly Bill No. 58—An Act to provide for certain necessary repairs of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "thirteen," Section 1, line 1, first page, printed bill, and inserting in lieu thereof the following: "eight."

Also: Amend by striking out the words "one hundred and twenty-five," Section 1, on lines 1 and 2, first page of printed bill.

Also: Amend by striking out the words "from and after its passage," Section 3, on line 1, first page of printed bill, and inserting in lieu thereof the following: "on and after July 1, 1907."

Amendments adopted.

Bill read second time.

Mr. Thompson of Los Angeles moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 55 and 58.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 55 and 58 considered.

Mr. Thompson of Los Angeles moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

And do now report the same back, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

Bills ordered to print and engrossment.

Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor.

Bill read second time.

Mr. Thompson of Los Angeles moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bill No. 526.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 526 considered.

Mr. Thompson of Los Angeles moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 536—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 749—An Act repealing an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employers of State institutions," approved March 19, 1903.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Strike out the word "repealing," line 1 of title, and insert in lieu thereof the following: "to amend."

Amendment adopted.

AMENDMENT NO. 2.

Strike out all of Section 1, and insert in lieu thereof the following:

SECTION 1. Section 1 of said Act is hereby amended to read as follows:

Section 1. No inmate of any State institution shall be employed in the manufacture or production of any article, intended for the private and personal use of any State officer, or officer, or employé, of any State institution; *provided*, that this Act shall not prevent repairing of any kind nor the employment of such inmates in household or domestic work connected with such institution; *provided, however*, that this Act shall not apply to schools of industry or reform.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor.

Bill read second time.

Mr. Thompson of Los Angeles moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 594 considered.

Mr. Thompson of Los Angeles moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of

its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor--and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 970—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles, and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks and employés.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all the words and figures after the enacting clause of the bill, and inserting in lieu thereof the following:

SECTION 1. There is hereby created and established a board to be known as the "Board of Pardons, Paroles, and Relief," which board shall be composed of four persons whose terms of office shall be eight years, the membership thereof to be created in the first instance by the appointment of one person for the term of eight years, and one for the term of six years, and one for the term of four years, and one for the term of two years. Thereafter as terms of the appointees respectively shall expire, their successors shall be appointed respectively for the terms of eight years. The members of the board shall be appointed by the Governor; *provided further*, that the president of the State Board of Prison Directors shall ex officio be a member of said board with the right to vote on all matters of pardons, commutations and paroles. The members of such board shall serve and devote all the time required for the discharge of their duty without any compensation whatever for time or expenses of themselves, except when traveling to and from the different State institutions necessary to be visited as a board of pardons, commutations or paroles. The Governor shall appoint one of their number president of the board, and the board shall appoint one of its agents, clerks or employés as secretary of the board and keep records of all its proceedings. All requisitions for information, money and other purposes shall be signed by the president of the board.

SEC. 2. The board shall have authority to employ one or more agents, clerks, and other employés to carry out its purposes and the provisions of this Act.

SEC. 3. Unless otherwise directed by the Governor of the State, the board shall hear and pass upon all applications for pardons, commutations, and paroles, and make report of their conclusions to the Governor of the State; and all duties heretofore performed by the State Board of Prison Directors with respect to pardons, commutations, and paroles shall hereafter be performed by this board, and the recommendations, orders, and acts of this board with respect to such matters shall be entitled to and receive the consideration heretofore given such matters when acted upon by said Board of Prison Directors, and said State Board of Prison Directors shall not be authorized to take any action in respect to the matters herein provided to be cared for by this board. Upon the granting of a parole to any prisoner, the warden shall provide him with suitable clothing, ten dollars in money, and shall procure transportation for him to his place of employment or to the county seat of the county to which he is paroled.

SEC. 4. Hereafter all applications for pardons, commutations, or parole shall be presented to this board and all such applications shall be presented in writing, signed by the applicant, if he or she be able to write, and if not able to write then their application may be signed by some other person authorized to do so by the applicant. This board shall have the power to make all suitable rules for the reception and presentation of such applications and all officers and employés in charge of State prisons, reformatories and other prisons shall provide suitable means for the receiving and forwarding of such applications to this board free from interference as to the contents of such applications.

SEC. 5. To the end that no person who is now or who may hereafter be confined for any criminal offense, shall be turned out upon expiration of the term of their sentence, without any provision for self-support, this board shall make provision for obtaining employment for such person wherever practicable, and is hereby authorized to expend on that account such amount of money as it may deem proper, not to exceed the amount provided for in Section 8 of this Act.

SEC. 6. It shall be the duty of the board to look after the welfare of all persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California. To make diligent effort to secure employment of such persons. To coöperate with the State Board of Prison Directors and the governing boards of the various State reformatories touching the discharge of persons from the State prisons and State reformatories, to the end that persons who are not otherwise provided for may be given the most practicable opportunity to secure and retain honorable employment. To receive from the State Board of Prison Directors and the governing boards of the various State reformatories the names, offenses for which confined and the date of expiration of term or probable discharge of all persons from the State prisons and State reformatories for the purpose of endeavoring to induce such persons to proceed immediately from their place of confinement to their homes or other suitable places where employment can be secured for them; to counsel, assist and advise such discharged persons as may seek their aid. To supervise the transportation of such discharged persons as shall apply to the board for such assistance before leaving their place of confinement, from their place of confinement to their proper place of destination, and generally to do and perform all acts and things best calculated to better their condition and put them in the way of becoming useful and honest members of society.

SEC. 7. The board shall have the power to establish rules and regulations for the control and management of the affairs entrusted to it, and by such rules and regulations prescribe what agents, clerks, and other employés it shall have, the duties of such agents and employés and the compensation they shall receive.

SEC 8. The total disbursements of the board out of money appropriated by the State of California for emergency relief, necessary transportation and attendance upon or for persons entitled to relief under this Act, the procurement of stationery and necessary supplies, compensation of clerks, agents and other employés, shall not exceed eleven thousand dollars in any one fiscal year, and the sum of eleven thousand dollars is hereby appropriated for said purposes.

SEC. 9. The board shall keep accurate accounts of all money received, and all expenditures made in the discharge of its duties, and make annual reports of its work and the known result thereof to the Governor of the State, and shall make such recommendations as to the procedure deemed most advantageous for the future dealings for the person for whose welfare this board is created. Such accounts and all books of the board, its agents, clerks, and employés shall be the property of the State of California, and be subject to the inspection of any officer authorized to examine such accounts, records, or reports.

SEC. 10. The wardens of the respective State prisons and superintending officers of the respective State reformatories shall furnish the board on or before the first day of each month, the full list of all persons confined in their respective institutions, who will be discharged from their custody during the next succeeding month, with all such other information as shall be prescribed in forms furnished such officers by the board.

SEC. 11. The members of the board shall each take and subscribe to the oath of office prescribed by the Political Code, or executive officers, and each member shall give bond to the State of California, in the sum of $5,000, conditioned for the faithful discharge of their duties, and to account for all moneys coming into their hands and under their control.

SEC. 12. The board shall select a suitable person or corporation to act as treasurer, and shall require of such treasurer a good and sufficient bond to the State of California, in a sum sufficient to protect the State of California, and all persons interested from any loss by reason of any default, or misconduct of such treasurer.

SEC. 13. The board is authorized to receive and accept donations, devises, bequests, and other contributions of money, or property, and to manage and control the same for the purpose of establishing a fund and means for the care and maintenance of discharged persons while awaiting suitable employment, or while sick, or for other proper or suitable purposes in connection with the duty and object of this board. If at any time there remains in the hands of the board, or the treasurer, any money or property, received from the State of California, or any other source, such money shall be retained by and for the board, to be used for the purposes of the board, and shall constitute a permanent fund to be applied as may be found most advantageous for the interests of those persons in whose interest this board is created.

SEC. 14. The Controller of State is hereby authorized and directed, on requisition of the president of the board, to draw his warrants upon the State treasury in favor of said board to pay the expenditures herein authorized to be made, and the State Treasurer is authorized and directed to pay such warrants from the appropriations provided for in this Act.

SEC. 15. The members of the board herein provided for, shall be appointed by the Governor on or before the first day of May, 1907, and shall thereafter have the power to frame all necessary regulation blanks and other provisions for the government of the board, its agents, clerks, and employés and for other purposes.

SEC. 16. The board shall provide itself with an office in the City and County of San Francisco. Meetings of the board may be held at such time and in such places in the State of California as said board may deem fit. It may make such rules and orders for the regulation of its own proceedings as it may deem necessary, and three members shall constitute a quorum for all business. The failure of a member to attend three consecutive meetings of the board during any calendar year, unless excused by formal vote of the board, may be construed by the Governor as a resignation of said non-attending member.

Amendment adopted.

Bill read second time.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 1 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles, and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations, and paroles, and to have the oversight, guidance, and procuring of employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board, and authorizing the employment of agents, clerks, and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks, and employés—and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

WITHDRAWAL OF BILL.

Mr. Whitmore asked for and was granted unanimous consent to withdraw Assembly Bill No. 600—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts and the apportionment of moneys thereto.

Bill withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Bill read second time.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 16 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

WITHDRAWAL OF BILLS.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bill No. 771—An Act to add a section to the Code of Civil Procedure, to be known as Section 1034½, relating to costs in civil actions and proceedings.

Also: Assembly Bill No. 772—An Act to amend Section 453 of the Code of Civil Procedure, relating to striking out sham and irrelevant answers and irrelevant and redundant matters inserted in a pleading.

Also: Assembly Bill No. 773—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1033½, relating to costs in civil actions and proceedings.

Also: Assembly Bill No. 775—An Act to add a new section to the Code of Civil Procedure, to be numbered 431*a*, providing for the imposition of a court fee on the overruling of a demurrer.

Bills withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California.

Bill read second time.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 446 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 828 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 21—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known as and numbered Section 637*b*, relating to the division of the State of California into fish and game districts.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE ON THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 789 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 452—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the figure "3" in line 1, Section 3, page 2, printed bill, and inserting in lieu thereof the following: "2."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Sections 2, 4, 5, 6, 7, 8, 9, and 10, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "15th day of September," on line 4, Section 1, page 1, printed bill, and inserting in lieu thereof the following: "first day of October."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all the title, after the figures 626, and inserting in lieu thereof "626*d* of the Penal Code of the State of California, relating to fish and game."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding after the semicolon on line 8, first page, printed bill, the following: "or who between the first day of November and the first day of April of the year following, takes, kills, or catches any steelhead trout above tide water; or who between the seventeenth day of September and twenty-third day of October of each year, takes, catches, or kills, buys, sells, offers, or exposes for sale, or has in his possession any steelhead trout;"

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof."

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding a new section on page 2 of printed bill as follows:
"SEC. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 571—An Act to amend Sections 3093, 3094, and 3095 of the Political Code of the State of California, relating to dissection, approved March 12, 1892.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 711—An Act to amend Sections 337, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 885—An Act to add to the Code of Civil Procedure of the State of California a new section, to be numbered 530½, relating to injunctions.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "purposes for which it may be exercised," in italics, and the parentheses enclosing the same, found in line 3, Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "repeal of conflicting Acts," in italics, and the parentheses enclosing the same, found in line 1 of Section 2, page 4 of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

After the word "otherwise," in line 58, Section 1, page 3 of the printed bill, insert the words "from sources other than a navigable lake."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code and repeal Sections 384*a* and 384*b* of said Penal Code, all relating to forest fires.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 635—An Act to regulate the keeping of large trees and to forbid the growing and planting thereof in such places and in such manner as may endanger or damage adjoining property.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 938—An Act to amend Section 1578 of the Code of Civil Procedure, relating to proceedings to obtain an order for the mortgage of real property by the administrator of any estate, or the guardian of any minor or incompetent person.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 31, Section 1, page 2 of printed bill, strike out the word "the," where it appears the second time in said line.

Amendment adopted.

AMENDMENT No. 2.

In line 35, Section 1, page 2, printed bill, after the word "mentioned" insert the following: "in the petition."

Amendment adopted.

AMENDMENT No. 3.

In line 49, Section 1, page 2 of printed bill, strike out the word "objection" and insert in lieu thereof the following: "objections."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 868—An Act to amend Section 1578 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Amend by adding to Subdivision 6, at the end of line 31 of Section 1, page 2 of the printed bill, the following: "No railroad main track crossing, outside the limits of any incorporated town, city, or city and county, shall be at grade, unless the party proposing such crossing at grade shall, at its own sole cost and expense, protect such crossing by the construction, operation and maintenance of an interlocking plant, with suitable signals and derails; but either party to such crossing may insist upon a separation of grades, in which case the cost of constructing such crossing with separate grades shall be equally divided between the railroad companies concerned; *and provided further*, that where any such crossing has been constructed at grade, either company may, at any time thereafter, require a separation of the grades at such crossing, each company paying one half of the expense of such separation; *and provided further*, that the foregoing provisions shall not be construed as requiring a separation of grades where such separation is physically impracticable, and in case of any dispute or controversy as to the physical practicability of any under-grade or overhead crossing, the same shall be determined by the Superior Court of the county in which such crossing is situate in an action or proceeding brought by either party for that purpose."

Amendment adopted.

AMENDMENT NO. 2.

Strike out the word "that," in line 1, Section 1 of the printed bill, and capitalize the word "Section," in said line.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

During second reading of bill, the following amendment was submitted by the committee:

In line 12, Section 1 of the printed bill, after the word "complaints," insert a comma, and add the following: "or proof adduced at the trial."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203*a*, relating to liens.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 949—An Act relating to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 622—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the words "proceedings to obtain order," in italics, in line 4, of Section 1 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 537—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 596—An Act to amend Section 199 of the Code of Civil Procedure of the State of California, relative to competency of jurors.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "who not competent to act as juror," in italics, found in line 3 of Section 1 of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the figure section in front of the numerals "199" in line 3 of Section 1, page 1, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 653*e*, relating to tipping.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 620—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising to procure abortions.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 897—An Act to amend Section 869 of the Penal Code, relating to the taking and authentication of testimony at preliminary examinations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 961—An Act to repeal Section 2 of an Act entitled "An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions and photographs of convicts about to be discharged by the wardens of State prisons," approved March 27, 1897.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 930—An Act providing for a license tax on automobiles and other vehicles operated by other than muscular force, and directing the manner of collecting the same.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 946—An Act empowering the board of supervisors of the several counties of the State of California to direct the payment of all license fees, collected under the authority of said boards, to be paid into and credited to the road fund for the road district in which the business authorized by such license is situated.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 755—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, by adding one new section thereto, to be numbered Section 13*a*, relating to the duties of boards of supervisors, providing how, and under what conditions, ordinances adopted by boards of supervisors, regulating or prohibiting the sale of malt, vinous, or other intoxicating liquors, and regulating or prohibiting the issuance of licenses for the sale thereof, shall take effect; and providing for compensation to persons who sustain loss or suffer damages by the taking effect and enforcement of such ordinances.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Amend by striking out the words "Also one deputy recorder who shall receive a salary of," on line 49, second page of printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "twelve hundred dollars per annum," on line 50, second page of printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "four," on line 50, second page, printed bill, and inserting in lieu thereof the following: "six."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "nine," on line 51, second page, printed bill, and inserting in lieu thereof the following: "eight."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out lines 173 to 186, inclusive, on page 6, printed bill, and inserting in lieu thereof the following:

"In townships having a population of 20,000 or more, justices of the peace shall each receive a salary of two hundred dollars per month as and for all services rendered by them in criminal cases; *provided, however*, that in all such townships having a population of 20,000, or more, there shall be two township justices of the peace in and for any such townships, and such justices shall each be allowed a clerk, to be appointed by the justice of the peace, at a salary of one hundred dollars per month, payable monthly in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors. As compensation for all services rendered in civil cases, and in all other matters wherein a justice of the peace may lawfully charge fees for his services, including fees for celebrating marriages and returning certificates thereof, taking acknowledgments, taking depositions, administering oaths, issuing commissions to take testimony, performing services connected with posting estrays, performing the duties of coroner, and taking and approving bonds or undertakings, including the justification of sureties, such justices of the peace may receive and retain for their own use such fees as are now or may hereafter be allowed for such services."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 896—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employés.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Insert in line 61, page 3, of the printed bill, after the word "thousand," the word "dollars."

Amendment adopted.

AMENDMENT No. 2.

Strike out of line 154, page 5, of the printed bill, the word "seventy," and insert in lieu thereof the word "seventy-five."

Amendment adopted.

AMENDMENT No. 3.

Strike out the period following the figures "1907," in line 186, page 6 of the printed bill, and insert in lieu thereof a semicolon; also strike out the capital "A" in the word "and" following, and insert a small letter "a."

Amendment adopted.

AMENDMENT No. 4.

Strike out the comma following the word "year," in line 192, page 6 of the printed bill, and insert in lieu thereof a period; also strike out the small letter "t" in the word following, and insert in lieu thereof a capital letter "T."

Amendment adopted.

AMENDMENT No. 5.

Insert after the word "month," in line 300, page 9 of the printed bill, a period; also strike out the small letter "s" from the word following, and insert in lieu thereof a capital letter "S."

Amendment adopted.

AMENDMENT No. 6.

Strike out the comma following the word "shall," in line 301, page 9 of the printed bill.

Amendment adopted.

AMENDMENT No. 7.

Strike out the word "and," in line 304, page 9 of the printed bill.

Amendment adopted.

AMENDMENT No. 8.

Insert a comma after the word "deputy," in line 305, page 9 of the printed bill.

Amendment adopted.

AMENDMENT No. 9.

Strike out the word "and" in line 325, page 10 of the printed bill.

Amendment adopted.

AMENDMENT No. 10.

Strike out the word "and," in line 419, page 12 of the printed bill.

Amendment adopted.

AMENDMENT No. 11.

Insert after the word "attorney," in line 217, page 7 of the printed bill, a comma and the following: "*provided*, that nothing herein contained shall be construed as limiting the provisions of Section 4344 of the Political Code, or Section 228 of the County Government Act."

Amendment adopted.

AMENDMENT No. 12.

Strike out of line 128, page 5 of the printed bill, the words "three dollars and fifty cents," and insert in lieu thereof the following: "four dollars."

Amendment adopted.

AMENDMENT No. 13.

Strike out of line 178, page 6 of the printed bill, the words "three dollars and fifty cents," and insert in lieu thereof the following: "four dollars."

Amendment adopted.

AMENDMENT No. 14.

Strike out of line 181, page 6 of the printed bill, the words "three dollars and fifty cents," and insert in lieu thereof the following: "four dollars."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 593—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class and repealing all conflicting Acts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 30, page 2 of the printed bill, strike out the word "twenty-five," and insert in lieu thereof the word "seventy-five."

Amendment adopted.

AMENDMENT No. 2.

Strike out lines 42 and 43, page 2 of the printed bill, and insert in lieu thereof the following:

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

Amendment adopted.

AMENDMENT No. 3.

Strike out lines 44 and 45, of page 2 of the printed bill, and insert in lieu thereof the following.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases, such fees as are now or may hereafter be allowed by law.

Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

Amendment adopted.

AMENDMENT No. 4.

In line 46, page 2 of the printed bill, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "twelve hundred."

Amendment adopted.

AMENDMENT No. 5.

In lines 48 and 49, page 2 of the printed bill, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "twelve hundred."

Amendment adopted.

AMENDMENT No. 6.

After Subdivision 15 insert the following as Subdivision 16:

16. For the purpose of Subdivision 13 and 14 of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote cast for Governor on the sixth day of November, 1906, in each township.

Amendment adopted.

AMENDMENT No. 7.

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following: "SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed."

Amendment adopted.

AMENDMENT No. 8.

Add to the printed bill the following: "SEC. 3. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 852—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 956—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner and shall also perform in addition to his duties as fixed by law, the duties of the State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of such warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing the Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 898—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure, where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of such commissioner, and repealing all Acts and parts of Acts in conflict herewith.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "shall," in the eighth line of Section 1 of the printed bill, strike out the words "be a body politic and corporate and by its corporate name shall." After the word "have," in the tenth line of Section 1 of the printed bill, strike out the words "succession and."

Amendment adopted.

AMENDMENT No. 2.

After the figure (1) in the tenth line of Section 1 of the printed bill, strike out the figures and words "To sue and be sued in any court; (2) to make and use a common seal and alter it at pleasure; (3)."

Amendment adopted.

AMENDMENT No. 3.

After the word "purposes" in the twenty-first line of Section 1 of the printed bill, strike out the figure "(4)" and instead thereof substitute the figure "(2)."

Amendment adopted.

AMENDMENT No. 4.

After the word "purposes," in the twenty-sixth line of Section 1 of the printed bill, strike out the figure "(5)" and instead thereof substitute the figure "(3)."

Amendment adopted.

AMENDMENT No. 5.

After the word "in," in the second line of Section 2 of the printed bill, insert the words "commissioners consisting of."

Amendment adopted.

AMENDMENT No. 6.

After the word "Governor," in the second line of Section 2 of the printed bill, insert the word "and."

Amendment adopted.

AMENDMENT No. 7.

After the word "hundred," in the sixth line of Section 2 of the printed bill, strike out the words "and five commissioners from each city and county, and from each of said cities, which said commissioners shall, within 30 days after the approval of this Act, be appointed by the concurring vote of a majority of said mayors and Governor, the said mayors and Governor and their successors shall be members of said public relief commission until their successors are elected and qualified, and the commissioners appointed by them shall hold office for the term of four years, and until their successors are elected and qualified."

Amendment adopted.

AMENDMENT No. 8.

After the word "distribution," in the nineteenth line of Section 3 of the printed bill, add and insert the words: "*provided, always*, that said commissioners may, in awarding or granting relief to any person, by the unanimous consent dispense with said notice for a period of five days after any earthquake, conflagration or other public disaster, when such person is entitled to said relief by reason of such earthquake, conflagration or other public disaster."

Amendment adopted.

AMENDMENT No. 9.

After the word "than," in the first line of Section 4 of the printed bill, strike out the words "five nor more than nine," and instead thereof substitute the word "three."

Amendment adopted.

AMENDMENT No. 10.

After the word "shall," in the first line of Section 6 of the printed bill, strike out the words "have their office in the City and County of San Francisco; and they shall."

Amendment adopted.

AMENDMENT No. 11.

After the word "office," in the twenty-second line of Section 6 of the printed bill, strike out the figures and words "at a rent not to exceed one hundred ($100) dollars per month."

Amendment adopted.

AMENDMENT No. 12.

After the word "duties," on the twenty-fifth line of Section 6 of the printed bill, strike out the figures and the words "not exceeding in cost the aggregate sum of four thousand ($4,000.00) dollars per annum. All expenditures authorized by this section shall be audited by the State Controller, and paid by the State Treasurer, in the same manner as the salaries and expenses of other State officers."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino forest reserve, and to make an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 976 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 976, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 870—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 851—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 919—An Act to add a new section to the Penal Code, to be numbered 566, and relating to the correct weight of agricultural products sold by the bale.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all of lines 3, 4, 5, 6, 7, 8, 9, and 10, first page, printed bill, and inserting in lieu thereof the following: "Any person selling baled hay, or other dried agricultural produce, by weight, without weighing the same at the time of the sale, shall be guilty of a misdemeanor."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 967—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 675—An Act to amend Sections 3804 and 3805 of the Political Code, relating to the refunding of taxes and the cancellation of certificates of tax sales.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all commencing with the word "When," in line 41, page 2 of printed bill, down to and including the word "office," in line 50.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

SPECIAL ORDER SET.

On motion of Mr. Walsh, the further consideration of Assembly Bill No. 967 was made a special order for eleven o'clock A. M. of Saturday, March 2, 1907.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 955—An Act to amend Section 3680 of the Political Code of the State of California, relating to the sale of land for taxes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of printed bill all after the title and inserting in lieu thereof the following:

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three thousand seven hundred eighty-eight of the Political Code is hereby amended so as to read as follows:

3788. When State lands, upon which the full purchase price has not been paid, and the deed therefor to the State, provided for in section thirty-seven hundred and eighty-five of this Code, has been forwarded to and filed with the Surveyor-General, the said land shall again become subject to entry and sale, in the same manner and subject to the same conditions as apply to other State lands of like character, except that the former possessors of the land thus deeded to the State, their heirs or assigns, shall be preferred purchasers thereof for the period of six months after the deeds are filed with the Surveyor-General; but the Surveyor-General shall not permit an entry, or make a sale of any lands thus deeded to the State, except upon the previous payment into the State treasury, as other moneys are required to be paid therein, in addition to the price of said lands as compared with the price fixed for other State lands of like character, by the person or persons proposing to make the entry or purchase, of a sum equal to the delinquent taxes, penalties, costs, and accruing costs, by virtue whereof the State became a purchaser of the lands thus sought to be entered or purchased, and also all delinquent taxes, penalties, and costs which may have accrued upon such lands to the date of the

deed to the State. The money thus paid into the treasury shall be distributed in the manner prescribed in section thirty-eight hundred and sixteen; *provided*, that the moneys received for twenty per cent of the purchase money and accruing interest, together with the principal in case of full payment on the lands, shall be distributed by the Surveyor-General, in the manner now provided by law for such distribution.

SEC. 2. All Acts and parts of Acts heretofore passed in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 655—An Act to amend Section 3747 of the Political Code, relating to the payment of taxes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1915, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, and 1982 of the Code of Civil Procedure, to repeal Section 1973 thereof, and to add a new section thereto, to be numbered 1947*a*, all relating to evidence.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "or a," on line 10, Section 8, fifth page, printed bill, and inserting in lieu thereof a comma after the word "party" in the same line.

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "person," on line 10, Section 8, fifth page, printed bill, the following: "or an officer of any corporation."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting after the word "person," on line 11, Section 8, fifth page, printed bill, the following: "or officer of a corporation."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting after the word "person," on line 12, Section 8, fifth page, printed bill, the following: "or corporation."

Amendment adopted.

AMENDMENT No. 5.

Amend by inserting after the word "his," on line 12, Section 8, fifth page, printed bill, the following: "or its."

Amendment adopted.

AMENDMENT No. 6.

Amend by inserting after the word "interest," on line 14, Section 8, fifth page, printed bill, a comma and the words "or in behalf of a corporation of which he is an officer."

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting at the end of line 14, Section 8, fifth page, printed bill, the following: "or its."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out all of lines 22, 23, 24, 25, and 26 of Section 8, sixth page, printed bill.

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out the words "or the assistant of either of them," on line 31, Section 9, seventh page, printed bill.

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the words "but this subdivision," on line 35; all of lines 36 and 37, and the words "physician or surgeon in issue; and," on line 38, Section 9, seventh page, printed bill.

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out the words "If the record is that of a court of general jurisdic," on line 10, and all of lines 11, 12 and 13, Section 10, seventh page, printed bill.

Amendment adopted.

AMENDMENT No. 12.

Amend by striking out the word "if," on line 5, Section 11, seventh page, printed bill, and inserting in lieu thereof the following: "of."

Amendment adopted.

AMENDMENT No. 13.

Amend by striking out all of Section 12, being lines 1 to 12, inclusive, on the eighth page, printed bill, and properly renumbering the remaining sections.

Amendment adopted.

AMENDMENT No. 14.

Amend by striking out the words "the certificate of," on line 44, Section 13, ninth page, printed bill, and inserting in lieu thereof the following: "a copy certified by."

Amendment adopted.

AMENDMENT No. 15.

Amend by striking out all of Section 27, being lines 1 to 27, inclusive, on the thirteenth page, printed bill, and properly renumbering the remaining sections.

Amendment adopted.

AMENDMENT No. 16.

Amend by striking out the word "of" on line 56, Section 28, fifteenth page, printed bill, and inserting in lieu thereof the following: "or."

Amendment adopted.

AMENDMENT No. 17.

Amend by striking out all of Section 29, being lines 1 and 2 thereof, on the sixteenth page, printed bill, and properly renumbering the remaining section.

Amendment adopted.

AMENDMENT No. 18.

Amend by striking out the word "and," on line 3, Section 3, second page, printed bill, and commencing the following word with a capital letter.

Amendment adopted.

AMENDMENT No. 19.

Amend by striking out the words "nineteen hundred and," on line 8 and the word "fifteen," on line 9 of the title to the printed bill.

Amendment adopted.

AMENDMENT No. 20.

Amend by striking out the words "nineteen hundred and sixty-two" on line 11 of the title to the printed bill.

Amendment adopted.

AMENDMENT No. 21.

Amend by striking out the words "to repeal section," on line 19, and the words "nineteen hundred and seventy-three thereof," on line 20 of the title to the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 254—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 254 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 254, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed, and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth and for the fifty-ninth and sixtieth fiscal years.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 924 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 924, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

SECOND READING OF SENATE BILLS.

Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 413—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 63—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 63 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 63, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 533—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out from line 33, on page 2, in Section 1, printed bill, the letters "al," following the word "full," and by inserting in lieu thereof the following: "for all."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of line 30, Section 1, page 2 of the printed bill, the word "license," and insert in lieu thereof the word "licenses."

Amendment adopted.

AMENDMENT No. 2.

Strike out of line 32, page 2, Section 1, printed bill, the word "assistances," and insert in lieu thereof the word "assistance."

Amendment adopted.

AMENDMENT No. 3.

Strike out of line 34, page 2, Section 1, printed bill, the word "the," where it first occurs.

Amendment adopted.

AMENDMENT No. 4.

Strike out of line 67, page 3, Section 1, printed bill, the word "thereof," and insert in lieu thereof the word "hereof."

Amendment adopted.

AMENDMENT No. 5.

Strike out of line 82, page 3, Section 1, printed bill, the word "of," and insert in lieu thereof the word "or."

Amendment adopted.

AMENDMENT No. 6.

Strike out of line 157, page 5, Section 1, printed bill, the word "for," at the end of said line, and insert in lieu thereof the word "off."

Amendment adopted.

AMENDMENT No. 7.

Strike out of line 186, page 6, Section 1, printed bill, the brackets enclosing the numerals "18."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title by striking out all after line 1 thereof, and by inserting in lieu thereof the following: "to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 209 thereof, relating to the compensation of county and township officers in counties of the fifty-second class."

Amendment adopted.

AMENDMENT No. 2.

Strike out lines 1, 2 and 3 of the printed bill, and insert in lieu thereof the following: SECTION 1. Section 209 of an Act entitled an Act to establish a uniform system of county and township government approved April 1, 1897, and amended March 23, 1901, is hereby amended to read as follows:

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting in line 17, Section 1, page 2, of the printed bill, after the word "thousand," the word "dollars."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of lines 14, 15, and 16, on first page, printed bill, and inserting in lieu thereof the following: "Such statements must be verified by the contesting party, as provided by Section 446 of this Code."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "the return of the election" on line 5, first page, printed bill, and inserting in lieu thereof the following: "the declaration of the results of the election by the body canvassing the returns thereof."

Amendment adopted.

AMENDMENT No. 3.

Amend by adding the words "contest or" on line 13, second page, printed bill, after the word "such."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 113—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632*b*, all relating to the protection and preservation of fish.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after word "state," on line 13, page 2, printed bill, the following: "or who between the first day of May, and the first day of September of the same year, takes, catches, kills or has in his possession, any shrimps."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 778—An Act to provide for drainage by irrigation districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities, to be a nuisance, and providing that the same be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale of any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title to read as follows: "An Act to amend sections number 1, 2, and 3 of an Act entitled 'An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purpose of sale, and providing a penalty for the selling or offering for sale of lots, or tracts in cities, towns, additions to cities, towns, subdivisions thereto, before such maps are filed and recorded,'" approved March 9, 1893.

Amendment adopted.

AMENDMENT No. 2.

After the enacting clause insert as follows:

SECTION 1. Section number one of said Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893, is hereby amended to read as follows:

Amendment adopted.

AMENDMENT No. 3.

After line 13 of Section 1, page 2, of the printed bill, insert the following:

Third. All permanent monuments set, describing their size, kind and location with reference to the corners which they are intended to perpetuate; the angles as measured by Vernier readings, which the lines of blocks or lots make with each other and with the center line of adjacent streets, alleys, roads or lanes; a proper connection with corners of the original government surveys or other recognized corners established by surveys of original or larger tracts of land, and the name of the same; the name or number of the grant or grants, or of the sections, townships and ranges within which said city, town, addition or subdivision is located.

Amendment adopted.

AMENDMENT No. 4.

Strike out all of lines 1, 2, 3 and 4 of Section 2, page 2 of the printed bill, and insert in lieu thereof as follows:

SEC. 2. Section 2 of said Act is hereby amended to read as follows:

Section 2. Such map or plat shall be acknowledged by the proprietor, or if the proprietor be an incorporated company, then by the chief officer thereof, before any officer authorized by law to take acknowledgments of conveyances of real property.

Amendment adopted.

AMENDMENT No. 5.

Insert the following before Section 3, page 2, of said printed bill:

SEC. 3. Section 3 of said Act is hereby amended so as to read as follows:

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1044, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, all relating to elections.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by adding after the word "outside," on line 58, Section 7, thirteenth page, printed bill, the following: "The number of the precinct, and for which Assembly district, as the same are numbered in the county, city, or city and county and."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "immediately" after the word "effect," on line 1, Section 8, fourteenth page, printed bill, and inserting in lieu thereof the following: "and be in force from and after July 1, 1907."

Amendment adopted.

AMENDMENT No. 3.

Amend Section 7 by adding at the end of said section the following: "Any number of electors not less than five residing within the territory or political subdivision for which they desire to present a candidate or candidates, pursuant to this section, or who desire to present a petition to participate in a primary signed by electors, pursuant to section thirteen hundred and sixty-one of the Political Code, may present a written or printed petition signed by such electors setting forth such desire and intention signed by them and verified by at least one thereof to the county clerk, registrar of voters, or the clerk of the body having control of elections in the political subdivision. If such nomination or nominations are to be made for a State or district office embracing more than one county, or city and county, then such petition may be presented by a similar number of electors in the same manner to the county clerk or registrar of voters in each county or city and county in the State or district, as the case may be, for which nominations are to be made. Such petition must specify the territory for which the petitioners desire to nominate candidates for public office, the name or political designation under which such candidates or delegates at a primary election, as above referred to, will appear, and that the petitioners desire to proceed to procure the necessary signatures of electors to so nominate such candidates or to so participate in such primary election (as the case may be), and to have the same verified and arranged as required by law, and that they desire to have the persons whose names are set forth in such petition, in the manner hereby required appointed as 'special verification deputies.' The petition must give the full name of each such proposed special verification deputy, adding his name and address with street and number, where there is such, and occupation, and state that each such person is a citizen of the United States, and a qualified and registered elector within the county, city, or city and county for which he is to act under this section, and that he can read and write the English language, and upon the receipt of such petition the county clerk, registrar of voters, or person to whom the same is lawfully presented pursuant to this section shall forthwith examine the same, and as soon as examined, if it be in accordance with the requirements of this section, such officer shall file the same and immediately appoint such persons as such special verification deputies in the manner and to the number herein provided. The number so to be appointed shall not exceed one for each five hundred voters registered at the last preceding general election within the territory for which such deputies may act under their appointment under this section nor in any event the number whose names are as aforesaid specified in the said petition requesting their appointment. If the officer to whom the said petition is presented shall find the persons whose appointment is requested to be registered electors as required, he shall appoint them as herein provided not to exceed the number aforesaid. The appointments shall be by writing, signed and sealed by the officer making the same, and be substantially in the following form:

"This is to certify that (insert name and address in full, and occupation) is hereby appointed pursuant to section eleven hundred and eighty-eight of the Political Code, as a special verification deputy, with all the powers provided by that section, and none other, and is authorized to take the oath of any signer who shall in his presence sign a certificate of nomination under Section 1188 of the Political Code, or a petition paper under Section 1361 of the Political Code by electors (stating under which section, and omitting reference to the other, as the case may be), where the paper so signed refers to and designates the (insert the name of the political party or organization as set forth in the petition requesting the appointment of such deputies) within the (insert the designation of the territory for which the petition requests appointments to be made, not to exceed a county, or city and county, or the territory for which the officer making the appointments has power to act), under and pursuant to law, and a petition filed in the office of (insert the office where filed) upon the —— day of (insert the day and year of filing).

"Each such certificate of appointment must also be dated and made in duplicate, and be delivered only to the appointee in person upon his application therefor, and before delivery such appointee must before the officer issuing the same or his deputy, sign and subscribe an oath annexed to such certificates, or following the same in duplicate, to the effect that he is the person named therein and resides at the address specified therein, that he accepts such appointment, and will perform the duty enjoined upon him by this section, and thereupon such certificate with such oath, shall be delivered in person to the special verification deputy named therein and the duplicate filed in the office from which the appointment issues, and be kept for three years. The special verification deputy shall thereupon be authorized and empowered to take the oath of verification required by this section or required by or to a petition by electors under Section 1361 of the Political Code (as the case may be), and sign and certify the same in the form required by this section, and no seal of office need be impressed or used, in certifying such oath, but he can not take any oath for any other purpose whatever, or outside of the territory specified in his appointment, nor certify the oath of any such signer residing outside of the territory so named in his certificate of appointment. If any such special verification deputy shall certify any such oath, not subscribed and sworn in his presence, or shall willfully or knowingly certify such an oath, as to any person who does not reside at the place specified as the residence of the signer, whose oath is so taken, or as to any person who does not sign his true name to such oath, shall upon conviction be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the

State prison not exceeding five years. Upon the expiration of the time fixed by law when the certificate of nomination provided for by this section, or the petition by the electors, provided by Section 1361 of the Political Code (as the case may be), must be presented to the proper officer for filing, all authority of such special verification deputy under his appointment shall wholly cease and determine; no charge or fee of any nature for any service by any such special verification deputy shall under any circumstances be made against or paid by the State or any county, city, city and county, or political subdivision."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "This Act shall take effect immediately," after the figure 3, on line 1, Section 3, second page, printed bill, and inserting in lieu thereof the following: "None of the provisions of this Act shall be held to apply to any pending contest, or any contest in which the decisions of the Superior Court shall have been rendered prior to the passage of this Act."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in nineteen hundred and thirteen, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

During second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the word "fifty-ninth," Section 3, on line 17, second page, printed bill.

Amendment adopted.

Also:

Amend by inserting the word "sixtieth," Section 3, on line 18, second page, printed bill.

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 57 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passag e of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 57, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and on file for third reading.

Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read second time.

Senate Bill No. 189—An Act authorizing and directing the constructing and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read second time.

Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 188, 189, and 190.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 188, 189, and 190 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 188, 189, and 190, and do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 513—An Act to authorize municipal corporations, organized under the Act of the Legislature entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory, or any Act amendatory thereof, to commence and prosecute an action, or actions, to recover real or personal property within the limits of such municipal corporations, acquired or held by the Board of Fire Commissioners, created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and main-

tain a fire department and to assess and collect taxes, from time to time for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from $65,000 per annum to $75,000 per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899, entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita,' approved March 12, 1901, by providing for a fixed annual appropriation of $65,000 in the place and stead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 35 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 35, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 87—An Act to add a new section to the Political Code, to be numbered Section 3804*a*, relating to the cancellation of erroneous assessments.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, State railroad, spurs, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Bill read second time, and ordered on file for third reading

Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to action for the usurpation of an office or franchise.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the figures "290," on line 1, Section 1, first page, printed bill, the figures "292," followed by a comma.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110*a*, requiring notice to be given to the real parties in interest in certain proceedings.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "Section," on line 4, Section 1, first page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "one of such entries," on line 18, Section 1, second page, printed bill, and inserting in lieu thereof the following: "sole surety on such bond."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

SENATE MESSAGE—(OUT OF ORDER).

On motion of Mr. Walsh, the following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 850 read first time, and ordered on file without reference.

THIRD READING OF BILLS.

Assembly Bill No. 669—An Act to repeal Title I of Part II of the Political Code, and to substitute therefor a new title, to be known as Title I of Part II of said Code, relating to the chief political divisions of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Leeds moved a call of the House.

Motion carried.

Time, nine o'clock and forty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Cogswell, Collister, Cutten, Forbes, Fratessa, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lynch, McGuire, O'Brien, Otis, Pyle, Root, Sackett, Snyder, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—36.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and fifty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Leeds.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Beckett, Bell, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Costar, Cutten, Devlin, Estudillo, Finney, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lynch, McClellan, McGuire, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 781 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Chandler, Cogswell, Coghlan, Collister, Costar, Cutten, Devlin, Estudillo, Finney, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lynch, McClellan, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties jointly with other persons or corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 887 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cutten, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lynch, McClellan, McGuire, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2023 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 287 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Costar, Cutten, Devlin, Estudillo, Finney, Forbes, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others upon real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Coghlan Collister, Costar, Cutten, Devlin, Estudillo, Finney, Forbes, Fratessa, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Lynch, McClellan, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 1000—An Act to repeal Article V, of Title VI, of Part III of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Also: Assembly Bill No. 1001—An Act to repeal Article VI, of Title VI, of Part III of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Also: Assembly Bill No. 1002—An Act to add a new chapter to Title V, of Part III of the Political Code, to be known as Chapter I, relating to the Woman's Relief Corps Home of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WYATT, Chairman.

On motion of Mr. Wyatt, the consideration of the above reported bills was proceeded with.

SECOND READING OF BILLS.

Assembly Bill No. 1000—An Act to repeal Article V, of Title VI, of Part III, of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1001—An Act to repeal Article VI, of Title VI, of Part III, of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1002—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter Ic, relating to the Woman's Relief Corps Home of California.

Bill read second time, and ordered to engrossment.

ADJOURNMENT.

At ten o'clock and twenty minutes P. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Friday, March 1, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 1, 1907.

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Bush, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for this day: Messrs. Eshleman and Vogel.

PRAYER.

Prayer was offered by Rev. J. H. N. Williams.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Devlin, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 993—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time.

Also: Assembly Bill No. 900—An Act to amend Section 58 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the county and township officers and their terms of office.

Also: Assembly Bill No. 983—An Act affecting the duties of county auditors throughout the State of California.

Also: Assembly Bill No. 849—An Act to amend Section 18 of the Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, the Act known as "The County Government Act."

And report the same back, and recommend that they do pass.

Also: Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof, approved March 23, 1901, and the amendment thereof, approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class—and report the same back, with three amendments.

Also: Assembly Bill No. 533—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class—and report the same back, with two amendments.

Also: Assembly Bill No. 592—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901—and report the same back, with two amendments.

Also: Assembly Bill No. 121—An Act to amend Section 25 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors and the duties and compensation of health officers appointed by such boards—and report the same back, with three amendments.

And report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 717—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 213 thereof, relating to counties of the fifty-sixth class.

Also: Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Section 208 thereof, relating to counties of the fifty-first class.

And report the same back, and recommend that they do pass.

THOMPSON of Los Angeles, Chairman.

The above reported bills ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 857—An Act to appropriate money for payment of the claim of Dr. Arthur Marten, against the State of California, for damages for wrongs and injuries inflicted upon him by the negligence of the State of California, and directing the payment thereof, and dismissing all litigation against the State and all State institutions and officials arising out of or connected therewith, now pending in any of the courts—report the same back, and recommend that it be re-referred to the Committee on Claims.

Also: Assembly Bill No. 595—An Act to amend Section 198 of the Code of Civil Procedure of the State of California, relative to competency of jurors—report the same back, without recommendation.

Also: Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses—report the same back, with two amendments, and recommend that it do pass as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue, or lay out a road, and the effect thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FINNEY, Chairman.

Assembly Bill No. 936 ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection, enacted March 12, 1872—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 698—An Act to add a new section to the Penal Code of the State of California, to be known as Section 401*b*, relating to exits in buildings used for public assemblages—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

CAMPBELL, Chairman.

The above reported bills ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CULLEN, Chairman.

Assembly Bill No. 756 referred to Committee on Ways and Means.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that it be adopted as amended.

Also: Assembly Constitutional Amendment No. 13—Relative to amending Article IX of the Constitution by adding thereto a new section, to be known as Section 14, relative to the furnishing of free text-books—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

WESKE, Chairman.

Senate Constitutional Amendment No. 14 and Assembly Constitutional Amendment No. 13 ordered on file for adoption.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 504—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 1 thereof, and by adding a new section, to be known as Section 18*a*—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DREW, Chairman.

Assembly Bill No. 504 ordered on file for second reading.

PETITION.

The following petition was submitted:

To His Excellency, James N. Gillett, Governor of California, and to the Senate and to the Assembly of the State of California:

We, the undersigned citizens of California, send greeting:

And we hereby earnestly petition your favorable action in passing at the present session of the Legislature remedial legislation on the subject of divorce substantially as set forth in Senate Bills Nos. 402, 403, 404, 405, and 406; providing, (1) for divorce from bed and board, and personal service on defendant whether within or without the State, and for restriction of migratory divorces; (2) for requiring the district attorney to appear in all divorce proceedings in his county in behalf of the State to prevent collusion or fraud, or a one-sided presentation of default cases; (3) for making it a misdemeanor

crime to be guilty of any of the acts or omissions that constitute a ground for divorce, or to be guilty of collusion or fraud in divorce proceedings; (4) providing for service of summons, and all other papers in divorce cases on the district attorney and giving the co-respondent in adultery cases notice, and right to intervene.

And in support of our petition we recite the significant facts: (1) That the number of divorces has increased to an alarming extent, illustrated by the fact that in Los Angeles County in 1905 one divorce case was filed to every four marriage licenses issued; (2) Judges estimate that in ninety per cent (90%) of divorce cases there is no appearance by defendant; (3) More than one half the divorces granted in California are for trivial causes, such as desertion and failure to provide; (4) The best thought and civic conscience of our entire nation is now being aroused to a recognition of the alarming growth of the divorce evil, a fact recognized by the President of the United States in his last annual message to Congress.

We plead (1) for a more practical and more just system of sifting out the right and wrong in divorce cases; (2) for the right to demand legal separation only, where the injured one in marital troubles has conscientious scruples against absolute divorce; (3) for the appropriate punishment of those who wilfully violate the solemn obligations of the sacred marriage vow; (4) for the more adequate protection of the sacred marriage relation; and (5) for the stability and permanence of the home, because the home is the rock upon which both the State and the nation are founded, and if the home decays, both State and nation must crumble and fall.

N. W. Petus, J. C. Paine, A. F. Rupert, E. A. Feaver, F. S. Buckland, H. H Vaughn, Alex Elau, G. E. Hamilton, J. R. Dilley, Lorin Miller, H. E. Elder, J. W. Slater, P. W. Hastie, J. L. Miller, Andrew Abbott, A. R. Brown, T. M. Boyd, Chas. T. Miller, Jas. H. Fry, A. H. Dean, G. W. Feaver Jr., J. N. Post, L. C. Darling, Edward M. Duroy, D. A. Mobley, O. L. Swearingen, O. Bagby, George Heclin. C. E. Walden, C. R. Neil, G. Schulteberg, Jas. McIntosh, G. W. Seseman, A. W. Olsson, Fowler.

Petition ordered printed in the Journal.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Also: Senate Bill No. 546—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence,' approved February 23, 1903," approved March 22, 1905.

Also: Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees, and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.

Also: Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Also: Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Also: Senate Bill No. 760—An Act to add a new section to the Political Code, to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Also: Senate Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered four hundred and seventy-six *a* (476*a*), relating to the making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

Also: Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.

Also: Senate Bill No. 743—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon

Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Also: Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 767—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115*a*, requiring the county clerks and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Also: Senate Bill No. 499—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said routes up the Salmon River to Black Bear.

Also: Senate Bill No. 246—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East Street, in the block bounded by Drumm, Washington, Jackson, and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

Also: Senate Bill No. 737—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, construction, straightening, improvement, and repair of main public highways, providing for the acceptance of donations, and for voting, issuing, and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such public highways within their corporate limits, and to issue and sell bonds therefor.

Also: Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor.

Also: Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Also: Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled 'An Act relating to the working, rights of way, easement, and drainage of mines within the State of California,'" approved March 11, 1901.

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section thereto, to be numbered Section 23*a* of Article IV thereof, relating to limitation of the expense of employés of the Senate and Assembly.

Also: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employés of the Senate and Assembly.

Also: Senate Concurrent Resolution No. 10—Relative to the formation of rifle clubs throughout California, under Act of Congress, approved March 3, 1905, and message of President of the United States, dated December 3, 1906.

Also: Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Also: Assembly Bill No. 354—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.

Also: Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.

Also: Assembly Bill No. 99—An Act to repeal Section 1036 of the Code of Civil Procedure, relating to requiring security of costs in actions and special proceedings by plaintiffs who reside out of the State of California, and by foreign corporations.

Also: Assembly Bill No. 767—An Act to amend the Penal Code of California, by adding thereto a new section, to be numbered 462, relating to burglary with explosives, and the punishment thereof.

Also: Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as cases of urgency:

Senate Bill No 869—An Act to provide for the loan from the School Land Fund to the State of California of the sum of $250,000, providing for the transfer of said amount from the School Land Fund to the General Fund and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund and from the General Fund to the School Land Fund, and from the General Fund to the State School Fund to carry out the purposes of this Act.

Also: Senate Bill No. 870—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bulkheads, sheds, streets, and seawalls, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed as a case of urgency Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 20—Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of said City of Vallejo, voting thereon at the special election held therein for that purpose on the fifth day of February, 1907.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day ordered returned to your honorable body as per request, Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, the following:

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessments of property for taxation.

Also: Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

Also: Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the James Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Also: Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14, of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15, of an Act amendatory of the same, approved March 22, 1905.

Also: Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for recording mortgages of personal property by persons who do not reside in this State.

Also: Assembly Bill No. 459—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

And respectfully request that your honorable body concur in the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 553 read first time, and referred to Committee on Judiciary.

Senate Bill No. 546 read first time, and referred to Committee on Public Charities and Corrections.

Senate Bill No. 759 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 728 read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Senate Bill No. 747 read first time, and referred to Committee on Judiciary.

Senate Bill No. 444 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 760 read first time, and ordered on file without reference.

Senate Bill No. 882 read first time, and referred to Committee on Judiciary.

Senate Bill No. 824 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 743 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 721 read first time, and ordered on file without reference.

Senate Bill No. 767 read first time, and ordered on file without reference.

Senate Bill No. 499 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 246 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 737 read first time, and ordered on file without reference.

Senate Bill No. 786 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 11 read first time, and ordered on file without reference.

Senate Bill No. 784 read first time, and referred to Committee on Mines and Mining.

Senate Constitutional Amendment No. 32 referred to Committee on Constitutional Amendments.

Senate Constitutional Amendment No. 16 referred to Committee on Constitutional Amendments.

Senate Concurrent Resolution No. 10 referred to Committee on Federal Relations.

Senate Bill No. 869 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 870 read first time, and referred to Committee on Ways and Means.

Assembly Bills Nos. 656, 354, 398, 99, 767, 716, and 1025 ordered to enrollment.

Assembly Concurrent Resolution No. 20 ordered to enrollment.

CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessments of property for taxation.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 148?"

SENATE AMENDMENT.

On page 2, Section 1, at end of Section 1, printed bill, after the word "year," insert the following: "The parties to any contract of loan or to any mortgage, deed of trust, or

other lien securing any obligation, shall nevertheless have the right to provide by contract that the debtor shall pay all or any taxes or assessments on the money loaned or on the mortgage, deed of trust, or other lien, or on the property thereby covered or the obligation thereby secured, and such contract shall be valid and constitute a waiver by the debtor of all right to treat the payment of such tax or assessment as a payment on the amount loaned or secured, or as being to any extent a discharge thereof."

The roll was called, and Senate amendment to Assembly Bill No. 148 was concurred in by the following vote:

AYES—Messrs. Beban, Birdsall, Butler, Costar, Cullen, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lucas, Ludington, McClellan, McConnell, McKeon, Percival, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.
NOES—None.

Assembly Bill No. 148 ordered to reëngrossment and enrollment.

Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 103?"

SENATE AMENDMENTS.

Amend by inserting in Section 1, page 1, line 2, after the word "government," the following: "as approved April 1, 1897, and the Act amendatory thereof, approved March 20, 1905."

Also: Amend by striking out the period after the word "government," at the end of line 3 of the title of the bill, and inserting thereafter a comma and the words: "as approved April 1, 1897, and the Act amendatory thereof, approved March 20, 1905."

The roll was called, and Senate amendments to Assembly Bill No. 103 were concurred in by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Bush, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Drew, Finney, Fisher, Forbes, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Ludington, Lynch, McConnell, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.
NOES—None.

Assembly Bill No. 103 ordered to reëngrossment and enrollment.

Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the James Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 623?"

SENATE AMENDMENT.

Strike out the word "James," in the title of the printed bill, and also the word "James," in line 5, page 1 of the printed bill.

The roll was called, and Senate amendment to Assembly Bill No. 623 was concurred in by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Costar, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Ludington, Lynch, McConnell, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—47.
NOES—None.

Assembly Bill No. 623 ordered to reëngrossment and enrollment.

Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for recording mortgages of personal property by persons who do not reside in this State.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 661?"

SENATE AMENDMENTS.

On page 1, Section 1, line 3, strike out the word "Section."

Also: On page 1, Section 1, line 5, strike out the words "mortgager" before the word "resides," and also after the word "the" in same line, and insert in lieu thereof in both places the word "mortgagor."

The roll was called, and Senate amendments to Assembly Bill No. 661 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, Otis, Percival, Pierce, Pyle, Root, Smyth, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Assembly Bill No. 661 ordered to reëngrossment and enrollment.

Assembly Bill No. 459—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 459?"

SENATE AMENDMENT.

On page 2, Subdivision 3, line 23, strike out the word "therein."

The roll was called, and Senate amendment to Assembly Bill No. 459 was concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Case, Cogswell, Coghlan, Collister, Davis, Estudillo, Forbes, Fratessa, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McMullin, Otis, Percival, Pierce, Smyth, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Assembly Bill No. 459 ordered to reëngrossment and enrollment.

Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

The question being, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 674?"

SENATE AMENDMENT.

Strike out Section 3, on page 3, of the printed bill, and insert in lieu thereof Section 3, as follows:

SEC. 3. Section 13 of the said bill is hereby amended to read as follows:

Section 13. The offices of chief probation officer, probation officer, and assistant pro-

bation officer are hereby created. The appointments of chief probation officer, probation officer, and assistant probation officer to serve hereunder in any county, or city and county, shall be made by the judge of the superior court or by a majority of the judges thereof, if there be more than one. The term of office of chief probation officers, probation officers, and assistant probation officers shall be during the pleasure of the superior court, and they may at any time be removed by the judge or judges appointing them, in their discretion.

On motion, the question of concurring in Senate amendment to Assembly Bill No. 674 was placed on file for further consideration, subject to call.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Transue moved that the vote whereby the Assembly refused to concur in Senate amendment to Assembly Bill No. 491 be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cutten, Davis, Drew, Estudillo, Fratessa, Hartmann, Hewitt, Higgins, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, McMullin, Otis, Percival, Pierce, Root, Smyth, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—None.

Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 491?"

SENATE AMENDMENTS.

No. 1. On page 1, title, amend by striking out all of the title, and inserting in lieu thereof the following:

An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," which became a law under constitutional provision, without Governor's approval, February 25, 1901, by amending Sections 2, 5, 7, and 9 thereof.

No. 2. On page 2, line 8, insert immediately after the word "uses," the word "wharves."

The roll was called, and Senate Amendments Nos. 1 and 2 to Assembly Bill No. 491 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, McKeon, O'Brien, Otis, Root, Smyth, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Mr. Stanton moved that the Assembly refuse to concur in Senate Amendment No. 3 to Assembly Bill No. 491.

The question being put, "Shall the Assembly refuse to concur in Senate Amendment No. 3 to Assembly Bill No. 491?"

SENATE AMENDMENT NO. 3.

On page 5, Section 5, line 4, strike out the period after the word "hereby," and insert in lieu thereof the following: "*provided, however*, that all proceedings which may have been, prior to the passage of this Act, taken by any city, town, or municipal corporation incorporated under the laws of this State in the manner prescribed by the said Act of which this Act is amendatory, for the incurring of indebtedness for the purpose of acquiring, constructing, completing, or repairing any wharf or wharves, shall be and the same is hereby declared to be valid as fully as though the incurring of indebtedness

for such purpose had been expressly authorized by said Act, and any and all indebtedness incurred, or which may hereafter be incurred, by any such city, town, or municipal corporation, or any bonds which may have been, or may hereafter be, issued pursuant to any such proceedings so taken or had, shall be and the same are hereby declared to be valid as fully as though the creation of said indebtedness or the issuance of said bonds had been expressly authorized by said Act."

The roll was called, and the Assembly refused to concur in Senate Amendment No. 3 to Assembly Bill No. 491 by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bush, Butler, Campbell, Case, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, McKeon, McMullin, O'Brien, Percival, Pyle, Root, Smyth, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.
NOES—Mr. Chandler—1.

Mr. Stanton moved that the Chief Clerk notify the Senate that the Assembly on this day respectfully refused to concur in Senate amendment No. 3 to Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901—and requests that the Senate recede therefrom, and that in case of non-receding the Assembly has appointed Messrs. Stanton, Transue, and Johnson of Sacramento as a Committee on Conference on behalf of the Assembly to meet a like committee from the Senate.

Motion carried, and such was the order.

RE-REFERENCE OF BILL.

On motion, Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891—was recalled from the Committee on Ways and Means and referred to Committee on Public Buildings and Grounds.

REQUESTS FOR INTRODUCTION OF BILLS.

The following petitions asking permission to introduce bills out of order were offered:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to increase the number of judges of the Superior Court of the County of Alameda, State of California, and for the appointment of such additional judges.

WALSH,
Member Forty-eighth Assembly District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: Assembly Concurrent Resolution relative to the consent of the Legislature to the absence from the State of State Controller A. B. Nye, for a period not exceeding three months.

STETSON,
Member Fiftieth Assembly District.

Petitions referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Judiciary Committee Substitute for Senate Bills Nos. 227 and 346—An Act to amend Section 1195 of the Political Code—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

WESKE, Chairman.

Committee Substitute for Senate Bills Nos. 227 and 346 ordered on file for second reading.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Committee Substitute for Senate Bills Nos. 238, 665, and 710—An Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation."

Bill read second time, and ordered on file for third reading.

On motion of Mr. Johnson of Sacramento, the further consideration of Committee Substitute for Senate Bills Nos. 238, 665, and 710 was made a special order for two o'clock P. M. of Saturday, March 2, 1907.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Wyatt moved that the vote whereby Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases—was passed, be reconsidered.

The roll was called, and the Assembly refused to reconsider by the following vote:

AYES—Messrs. Birdsall, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Held, Higgins, Johnson of San Diego, Lucas, McClellan, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Weske, Whitmore, Wyatt, and Mr. Speaker—35.

NOES—Messrs. Beckett, Bell, Bishop, Coghlan, Cullen, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Johnson of Sacramento, Jury, Kohlman, Leeds, McKeon, McMullin, Sackett, Spaulding, Strohl, Strobridge, Toomey, Transue, Walsh, and Wilson—25.

Bill ordered transmitted to the Senate.

Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

SPECIAL ORDER SET.

On motion of Mr. Forbes, the further consideration of Senate Bill No. 396 was made a special order for eleven o'clock A. M. of Monday, March 4, 1907.

Assembly Bill No. 380—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a home telephone system at the Napa State Hospital, between the various wards and departments thereof, and making an appropriation therefor.

WITHDRAWAL OF BILL.

Mr. Bush asked for and was granted unanimous consent to withdraw Assembly Bill No. 380.

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS.

Senate Bill No. 650—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 20, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 650 finally passed by the following vote:

AYES—Messrs. Bell, Birdsall, Bishop, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, McClellan, McConnell, McMullin, Otis, Percival, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 22—Relative to amending Section 17 of Article VI of the Constitution of the State of California.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Mr. Cutten asked for and was granted unanimous consent to withdraw Assembly Constitutional Amendment No. 22.

Constitutional amendment withdrawn, and ordered stricken from the file.

Assembly Bill No. 42—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Bill passed to foot of file.

Assembly Bill No. 634—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.

WITHDRAWAL OF BILL.

Mr. Stanton asked for and was granted unanimous consent to withdraw Assembly Bill No. 634.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 579—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing

penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885, approved March 23, 1901," by amending Sections 8 and 14 thereof, and adding a new section thereto, to be numbered and designated Section 9½.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Otis moved a call of the House.

Motion carried.

Time, twelve o'clock and ten minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Held, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McMullin, O'Brien, Otis, Percival, Pyle, Root, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

The Chief Clerk announced the absentees.

The Sergeant-at Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Lynch was brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and twenty minutes P. M. further proceedings under the call of the House were dispensed with, on motion of Mr. Otis.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Birdsall, Bishop, Bush, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Drew, Fisher, Forbes, Fratessa, Hartmann, Held, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McKeon, McMullin, Otis, Percival, Root, Smith, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Messrs. Berry, Campbell, Chandler, Cutten, Devlin, Estudillo, Finney, Hans, Hewitt, Higgins, Ludington, McClellan, McConnell, O'Brien, Pyle, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Transue, Walsh, and Weske—24.

Title read and approved.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. Root, Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and

by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provisions for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906—was recalled from the Committee on Ways and Means and placed on file for third reading.

Assembly Bill No. 324—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.

WITHDRAWAL OF BILL.

Mr. Transue asked for and was granted unanimous consent to withdraw Assembly Bill No. 324.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 958—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund.

WITHDRAWAL OF BILL.

Mr. O'Brien asked for and was granted unanimous consent to withdraw Assembly Bill No. 958.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 848—An Act to amend Section 13 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

WITHDRAWAL OF BILL.

Mr. Held asked for and was granted unanimous consent to withdraw Assembly Bill No. 848.

Bill withdrawn, and ordered stricken from the file.

RESOLUTION.

The following resolution was submitted:

By Mr. Transue:

Resolved, That for the purpose of continuing the distribution of legislative printed matter, as provided by a former resolution, the State Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly, in favor of the Chief Clerk, in the sum of $150, and the Treasurer is directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Collister, Costar, Cullen, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

MOTION.

Mr. Beckett moved that the Committee on Ways and Means, to whom was referred Assembly Bill No. 807 on February 15, 1907, be directed to report the same back to the Assembly, together with its action thereon, as provided by Rule No. 17, Standing Rules of the Assembly, forthwith.

Motion carried, and such was the order.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 1020—An Act to change, establish, and permanently locate the boundary lines of the County of Fresno—have had the same under consideration, and respectfully report the same back, as amended, without recommendation.

COGSWELL, Chairman.

Assembly Bill No. 1020 ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 432—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itenerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903—report the same back, and recommend that it do pass.

Also: Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757*a*, relating to the office hours of the Clerk of the Supreme Court—report the same back, and recommend that it do pass.

Also: Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 969—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as Section 9*a*, relating to appointment of poundkeepers outside of incorporated cities—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 832—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891—report the same back, with one amendment, and recommend that it do pass as amended.

Also: Assembly Bill No. 848—An Act to amend Section 13 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891—report the same back, and recommend that the author be allowed to withdraw same, because the subject-matter is covered by Assembly Bill No. 832.

Also: Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles—report the same back, without recommendation.

JOHNSON of Sacramento, Chairman.

The above reported bills, with the exception of Assembly Bill No. 848, ordered on file for second reading.

WITHDRAWAL OF BILL.

Mr. Held asked for and was granted unanimous consent to withdraw Assembly Bill No. 848—An Act to amend Section 13 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill withdrawn, and ordered stricken from the file.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 939—An Act to amend Chapter I, of Title V, of Part III of the Political Code, providing for the care of insane, feeble-minded and other incompetent persons, the management of State hospitals, and establishing a board of lunacy commission—have had the same under consideration, and respectfully report the same back without recommendation.

HELD, Chairman.

Assembly Bill No. 939 ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Also: Assembly Bill No. 881—An Act appropriating $4,500 to pay the claim of J. B. Lauck.

Also: Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of $25,000 to carry out the purposes of said Act.

Also: Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

RE-REFERENCE OF BILL.

On motion of Mr. McGuire, Assembly Bill No. 1020—An Act to change, establish, and permanently locate the boundary lines of the County of Fresno, was re-referred to Committee on County and County Boundaries.

THIRD READING OF SENATE BILLS.

Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 14 finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Collister, Cornish, Costar, Cullen, Devlin, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Lucas, Ludington, McConnell, McGuire, McKeon, McMullin, O'Brien, Pyle, Root, Smith, Snyder, Spaulding, Strobridge, Thompson of San Francisco, Walsh, Weske, Wessling, Wilson, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 58 finally passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Collister, Cornish, Costar, Davis, Devlin, Drew, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, O'Brien, Otis, Pyle, Sackett, Smyth, Snyder, Spaulding, Strobridge, Walsh, Weske, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 244—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 244 finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Lemon, Lucas, McConnell, McKeon, McMullin, Otis, Pyle, Root, Smith, Smyth, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Toomey, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Mr. Campbell moved that the bill be passed on file.

Motion lost.

Bill read third time.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, the further consideration of Senate Bill No. 30 was made a special order for two o'clock P. M. of Monday, March 4, 1907.

Senate Bill No. 174—An Act to amend Section 3414 of the Political Code, relating to actions to determine the right to purchase State lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 174 finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Collister, Cornish, Cutten, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Thompson of San Francisco, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—48.

NOES—Mr. Drew—1.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bill has been correctly enrolled:

Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

And was presented to the Governor Friday, March 1, 1907, at one o'clock and thirty minutes P. M.

HANS, Chairman.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 100—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 100 finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Bush, Butler, Chandler, Cogswell, Collister, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kohlman, Lucas, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Percival, Pyle, Sackett, Smith, Smyth, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 492—An Act to amend Sections 1171 and 1174 of the Penal Code of California, relating to the preparation and settlement of bills of exception in criminal cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 492 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pyle, Sackett, Smyth, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 514—An Act to amend Section 2955 of the Civil Code of California, relating to what personal property may be mortgaged, by adding a new subdivision thereto, providing that saw-milling machinery and outfits used therewith may be mortgaged.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Case, Cogswell, Coghlan, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lemon, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Percival, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 619—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by the defendant upon the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 619 finally passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Bush, Case, Chandler, Cogswell, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pyle, Sackett, Smyth, Snyder, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 620—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered 437*a*,

relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 620 finally passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Percival, Pyle, Sackett, Smyth, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 69 refused final passage by the following vote:

AYES—Messrs. Baxter, Berry, Bush, Butler, Coghlan, Cornish, Fisher, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, McConnell, McGuire, McKeon, McMullin, O'Brien, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Transue, Walsh, Wessling, and Whitmore—33.

NOES—Messrs. Beckett, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Forbes, Held, Leeds, Lucas, Lynch, Root, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Weske, Wilson, Wyatt, and Mr. Speaker—28.

Senate Bill No. 542—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to notice to creditors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 542 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cutten, Davis, Drew, Finney, Fisher, Fratessa, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Pyle, Root, Sackett, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 274—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Speaker pro tem. Transue in the chair.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 274 refused final passage by the following vote:

AYES—Messrs. Bell, Berry, Bishop, Butler, Case, Cogswell, Collister, Cutten, Davis, Devlin, Forbes, Hammon, Higgins, John, Johnson of San Diego, Lemon, Ludington, McKeon, O'Brien, Percival, Spaulding, Stanton, Stetson, Strohl, Transue, Walsh, Weske, and Wilson—28.

NOES—Messrs. Baxter, Beban, Birdsall, Boyle, Bush, Campbell, Chandler, Cornish, Drew, Estudillo, Finney, Fisher, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Jury, Kohlman, Leeds, Lucas, McConnell, McMullin, Otis, Pyle, Root, Sackett, Smith, Strobridge, Thompson of Los Angeles, Whitmore, and Wyatt—32.

Senate Bill No. 612—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 612 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Strohl, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 13—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose, on the 1st day of August, 1906.

SENATE CONCURRENT RESOLUTION No. 13.

Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 1st day of August, 1906.

WHEREAS, The City of San José, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein referred to, a city containing a population of more than three thousand and five hundred inhabitants and not more than thirty thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on Monday, November 2, 1896, in accordance with law and the provisions of Section 8, Article XI of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was on January 2, 1897, signed in duplicate by all the members of said board of fifteen freeholders, and was on said last named day returned, one copy thereof to the mayor of said city, and the other to the county recorder of Santa Clara county; and

WHEREAS, Such proposed charter was then published in three daily newspapers of general circulation in said City of San José, to wit: "San José Daily Mercury," "San José Daily Herald," and "The Evening News," for more than twenty days, such publication in each instance having commenced on said January 2, 1897; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of San José, to wit: The mayor and common council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on February 23, 1897; and

WHEREAS, The returns of said election were duly canvassed by said mayor and common council of said City of San José, at a meeting held on Wednesday, February 24, 1897 (which said meeting was duly convened); and

WHEREAS, At said special election a majority of such qualified electors of said city,

voting at such special election, did vote in favor of and ratify said charter so proposed; and

WHEREAS, Said mayor and common council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The said charter was afterwards submitted to the Legislature of the State of California, for its approval or rejection as a whole without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of said State; and

WHEREAS, On the fifth day of March, 1897, by concurrent resolution of the Senate and Assembly of the said Legislature (a majority of all the members of each house voting for and concurring therein), the said charter was ratified and approved as a whole, for and as the charter of the said City of San José; and

WHEREAS, One copy of said charter so ratified and approved was deposited in the office of the Secretary of State of the State of California; and

WHEREAS, One copy of said charter so ratified and approved was duly and regularly recorded in the office of the county recorder of the County of Santa Clara, State of California, on the 24th day of March, 1897, and was, after being so recorded, deposited in the archives of the said City of San José; and

WHEREAS, Said charter so ratified and approved, has not been amended within two years from the date hereof; and

WHEREAS, The mayor and common council, being the legislative authority of said city, by ordinance duly and regularly passed by said council in accordance with law and with the provisions of said charter on the 29th day of May, 1906, and approved by the mayor of said city on the 29th day of May, 1906, did, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, propose to the qualified electors of said City of San José, a certain amendment to the said charter of said city; and

WHEREAS, Said ordinance so passed and approved as aforesaid, called a special election to be held on the 1st day of August, 1906, for the purpose of submitting, and submitting to the qualified electors of said city said proposed amendment to said charter; and

WHEREAS, Said ordinance containing said proposed amendment to said charter was, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published, for twenty days after its passage and approval, in the San José Herald, a daily newspaper published and of general circulation in the said City of San José; and

WHEREAS, Said special election was held in the said City of San José on the first day of August, 1906, which day was more than forty days after said proposed amendment had been published for twenty days as aforesaid; and

WHEREAS, At a meeting duly convened in accordance with law and with the provisions of said charter, the mayor and common council of the City of San José, duly and regularly canvassed the returns of said special election; and

WHEREAS, At such special election so held on the 1st day of August, 1906, said proposed amendment was ratified by more than a majority of the votes of the qualified electors voting thereat; and

WHEREAS, Said mayor and common council after canvassing said returns, duly found and declared that said proposed amendment had been ratified by a vote of more than a majority of the qualified electors voting at said election; and

WHEREAS, The said proposed amendment so ratified by the electors of said city at such election is now submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, The said amendment to said charter so ratified by more than a majority of the votes of the qualified electors of the City of San José voting at said election is in words and figures as follows, to wit:

"Amendment to the charter of the City of San José, ratified by the votes of more than a majority of the qualified electors voting at the special election held for that purpose on the first day of August, 1906.

"That Section 5 of Article IV of said charter is hereby amended to read as follows:

"SEC. 5. Whenever the mayor and common council shall by ordinance determine that the public interest or necessity demands the acquisition, construction, reconstruction, completion or repair, of any municipal improvement, the cost of which would be too great to be paid out of the ordinary annual income and revenue of the city, the mayor and common council is hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement set forth in said ordinance. If said proposition be accepted by a two-thirds vote of the qualified electors voting at such election, the mayor and common council may issue bonds of said city in evidence of said indebtedness; *provided*, that such indebtedness, together with the unpaid and outstanding bonded indebtedness actually existing at the time such proposition is submitted to said voters, shall not exceed five per cent of the assessed value of all the real and personal property in said city."

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, CITY OF SAN JOSÉ. } ss.

This is to certify that we, H. D. Mathews, Mayor of the City of San José, and Roy E. Walter, City Clerk of the City of San José, have compared the foregoing proposed and ratified amendment to the charter of the said City of San José with the original ordinance proposing such amendment and submitting the same to the qualified electors of said city at a special election called for that purpose on the first day of August, nineteen hundred and six, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of San José, this seventh day of February, nineteen hundred and seven.

H. D. MATHEWS,
Mayor of the City of San José.

[SEAL.]

ROY E. WALTER,
City Clerk of the City of San José.

Now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That said amendment to the charter of the City of San José, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without amendment alteration for and as an amendment to and as part of the charter of the said City of San José.

Concurrent resolution read.

The roll was called, and Senate Concurrent Resolution No. 13 adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Cutten, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wilson, and Wyatt—60.

NOES—None.

Senate Concurrent Resolution No. 13 ordered transmitted to the Senate.

NOTICES OF MOTIONS TO RECONSIDER.

Mr. Cutten gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 274 was this day refused passage.

Mr. Bishop gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 69 was this day refused passage.

Mr. Stetson gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 579 was this day passed.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 645—An Act making an appropriation of $4,000, to be expended by the Trustees of the State Normal School at Los Angeles for any assessments levied by the City of Los Angeles on the land of the State Normal School of Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements on Grand Avenue and Fifth Street, fronting on said property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 645 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cogswell, Collister, Cornish, Cutten, Davis, Drew, Estudillo, Finney, Forbes,

Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, and Wyatt—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 602—An Act to amend the Penal Code by adding thereto two new sections, to be designated as Sections 367*b* and 367*c*, to provide against the offense of hazing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 602 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Davis, Drew, Estudillo, Finney, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 501—An Act to amend Section 1771 of the Political Code, relating to the power of county boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 501 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cogswell, Collister, Cornish, Davis, Drew, Estudillo, Finney, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, Otis, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, and Wyatt—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Senate Bill No. 49—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 49 refused final passage by the following vote:

AYES—Messrs. Beckett, Drew, Hammon, Higgins, Johnson of San Diego, Ludington, McGuire, McKeon, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, and Whitmore—17.

NOES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, John, Johnson of Sacramento,

Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McMullin, O'Brien, Otis, Percival, Pyle, Root, Smyth, Strobridge, Toomey, Transue, Weske, Wessling, Wilson, and Wyatt—49.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly reëngrossed, viz:

Assembly Bill No. 809—An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof.

Also: Beg leave to report that the following Assembly bill has been correctly engrossed, viz:

Assembly Bill No. 967—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

HANS, Chairman.

Assembly Bill No. 967 was ordered on file for third reading.

Assembly Bill No. 809 was ordered on file for passage.

SPECIAL ORDER SET.

On motion of Mr. Baxter, the further consideration of Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit—was made a special order for two o'clock P. M. of Monday, March 4, 1907.

RECONSIDERATION.

Mr. Drew moved that the vote whereby Assembly Bill No. 340—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof—was passed, be reconsidered.

The roll was called, and the Assembly refused to reconsider by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Butler, Campbell, Chandler, Cutten, Davis, Devlin, Drew, Finney, Fratessa, Hammon, Held, Hewitt, John, Johnson of Sacramento, Lemon, Lucas, McClellan, Sackett, Stanton, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, and Mr. Speaker—28.

NOES—Messrs. Beban, Beckett, Bell, Berry, Boyle, Bush, Case, Cogswell, Collister, Cornish, Fisher, Forbes, Higgins, Jury, Kohlman, Leeds, Ludington, McConnell, McGuire, McMullin, Otis, Pyle, Root, Smith, Snyder, Spaulding, Walsh, Wilson, and Wyatt—29.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 770—An Act to amend Section 987 of the Penal Code.

Assembly Bill No. 752—An Act to provide for the licensing of architects and for the regulation of the practice of architecture as a profession.

Assembly Bill No. 642—An Act for the government and management of schools for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.

Also: Beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 1002—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter Ic, relating to the Woman's Relief Corps Home of California.

Assembly Bill No. 1001—An Act to repeal Article VI of Title VI of Part III of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Assembly Bill No. 1000—An Act to repeal Article V of Title VI of Part III of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Assembly Bill No 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth and for the fifty-ninth and sixtieth fiscal years.

Assembly Bill No. 254—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

Assembly Bill No. 655—An Act to amend Section 3747 of the Political Code, relating to the payment of taxes.

Assembly Bill No. 955—An Act to amend Section 3680 of the Political Code of the State of California, relating to sale of land for taxes.

Assembly Bill No. 851—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Assembly Bill No. 870—An Act to dissolve Protection District No. 2, of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Assembly Bill No. 956—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897.

Assembly Bill No. 852—An Act relating to life, health, and accident insurance of live stock on the assessment plan and the conduct of the business of such insurance.

Assembly Bill No. 755—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, by adding one new section thereto, to be numbered Section 13*a*, relating to the duties of boards of supervisors; providing how, and under what conditions, ordinances adopted by boards of supervisors regulating or prohibiting the sale of malt, vinous, or other intoxicating liquors, and regulating or prohibiting the issuance of licenses for the sale thereof, shall take effect; and providing for compensation to persons who sustain loss or suffer damages by the taking effect and enforcement of such ordinances.

Assembly Bill No 946—An Act empowering the board of supervisors of the several counties of the State of California to direct the payment of all license fees collected under the authority of said boards to be paid into and credited to the road fund for the road district in which the business authorized by such license is situated.

Assembly Bill No. 930—An Act providing for a license tax on automobiles and other vehicles operated by other than muscular force, and directing the manner of collecting the same.

Assembly Bill No. 961—An Act to repeal Section 2 of an Act entitled "An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions, and photographs of convicts about to be discharged by the wardens of State prisons," approved March 27, 1897.

Assembly Bill No. 897—An Act to amend Section 869 of the Penal Code, relating to the taking and authentication of testimony at preliminary examinations.

Assembly Bill No. 620—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising to procure abortions.

Assembly Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 653*e*, relating to tipping.

Assembly Bill No. 537—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State bureau of criminal identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualification, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

Assembly Bill No. 949—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203*a*, relating to liens.

Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.

Assembly Bill No. 635—An Act to regulate the keeping of large trees and to forbid the growing or planting thereof in such places and in such manner as may endanger or damage adjoining property.

Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code, and to repeal Sections 384*a* and 384*b* of said Penal Code, all relating to forest fires.

Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Assembly Bill No. 885—An Act to add to the Code of Civil Procedure of the State of California a new section, to be numbered 530½, relating to injunctions.

Assembly Bill No. 711—An Act to amend Sections 337, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.

Assembly Bill No. 571—An Act to amend Sections 3093, 3094, and 3095 of the Political Code of the State of California, relating to dissection, approved March 12, 1892.

Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Assembly Bill No. 21—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known as and numbered Section 637*b*, relating to the division of the State of California into fish and game districts.

Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California.

Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Assembly Bill No. 970—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land on which such right attaches, a misdemeanor.

Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District, to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor, and providing for an appropriation of money therefor.

Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor.

Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

The above reported reëngrossed bills were ordered on file for passage.

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same, with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

By Mr. Stetson: Assembly Concurrent Resolution No. 22—Relative to consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months.

By Mr. Walsh: Assembly Bill No. 1030—An Act to increase the number of judges of the Superior Court of the County of Alameda.

STANTON, Chairman.

The question being put, "Shall the members named by the Committee on Introduction of Bills, in conformity with committee's recommendation, be permitted to introduce the same?"

The roll was called, and permission to introduce bills granted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Boyle, Bush, Campbell, Case, Chandler, Collister, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leads, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—Messrs. Butler and Coghlan—2.

INTRODUCTION AND FIRST READING OF BILL, ETC.

The following bills were introduced and referred as indicated:

By Mr. Stetson: Assembly Concurrent Resolution No. 22—Relative to the consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months.

Assembly Concurrent Resolution referred to Committee on Judiciary.

By Mr Walsh: Assembly Bill No. 1030—An Act to increase the number of judges of the Superior Court of the County of Alameda.

Bill read first time, and referred to Committee on Municipal Corporations.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 629—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different management.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 629 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cutten, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, John, Johnson of San Diego, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, Otis, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 704—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 704 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Wilson, and Wyatt—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 842 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, McConnell, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, and Wilson—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 701—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1532*a*, defining the meaning of the words "average daily attendance."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 701 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Cogswell, Coghlan, Collister, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, and Mr. Wyatt—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reëngrossed, viz.:

Assembly Bill No. 423—An Act to amend Section 2653 of the Political Code, relating to property highway tax.

Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Also: Beg leave to report that the following Assembly bill has been correctly re-reëngrossed, viz:

Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

The above reported bills ordered on file for passage.

RECESS.

At four o'clock and fifty minutes P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

SECOND READING OF SENATE BILLS.

Senate Bill No. 876—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the County of Glenn, between Mendocino and Glenn counties.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 235—An Act to amend Sections 2153*a* and 2154 of the Political Code of the State of California, relating to the appointment of the dentists in State hospitals for the care and treatment of the insane.

Bill read second time, and ordered on file for third reading

Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 281—An Act making an appropriation of three thousand five hundred dollars to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "five hundred," in the title, and also by striking out the words "five hundred," Section 1, on line 1, first page, printed bill. And also, by

striking out the figure "5," in parenthesis, Section 1, line 2, first page, printed bill, and inserting in lieu thereof the following: "0."

Amendment adopted.

Bill read second time.

Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the figures "78," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "55."

Amendment adopted.

Bill read second time.

Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "five," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the following: "three."

Amendment adopted.

Bill read second time.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 114, 281, and 662.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 114, 281, and 662 considered.

Mr. Held moved that the committee do now rise and report in favor of the passage of the bills, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bil No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 281—An Act making an appropriation of three thousand five hundred dollars to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Also: Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

And do now report the same back, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

Bills ordered to print, and on file for third reading.

WITHDRAWAL OF BILL.

Mr. Walsh asked for and was granted unanimous consent to withdraw Assembly Bill No. 967—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission—it being identical with Senate Bill No. 850, now in this House.

Assembly Bill No. 967 withdrawn, and ordered stricken from the file.

Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS.

Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provisions for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 901 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cornish, Devlin, Drew, Fisher, Forbes, Fratessa, Hans Hartmann, Held, Hewitt, Higgins, John, Kohlman, Lucas, McGuire, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 929—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Bill read second time.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 929 considered.

Mr. Held moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 929, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 861—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote Mr. Root moved a call of the House.

Motion carried.

Time, eight o'clock and thirty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cornish, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Lemon, Lucas, Lynch, McGuire, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Davis, Stetson, Leeds, Cutten, and Coghlan were brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and fifty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Root.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Coghlan, Cornish, Cutten, Devlin, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Higgins, Jury, Kohlman, Lemon, Lucas, Ludington, Lynch, McGuire, O'Brien, Percival, Root, Smith, Smyth, Stanton, Stetson, Strobridge, Thompson of San Francisco, Toomey, Transue, Walsh, Wessling, Wilson, and Mr. Speaker—42.

NOES—Messrs. Bell, Case, Cogswell, Davis, Drew, Hewitt, John, Johnson of Sacramento, Leeds, Otis, Pyle, Sackett, Spaulding, Thompson of Los Angeles, and Whitmore—15.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 872—An Act to create a fund to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasurers of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditures by the counties of the moneys so paid.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 872 passed by the following vote:

AYES---Messrs. Baxter, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES--None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 38—An Act to prevent the destruction of young forest trees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 38 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Cutten, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker--50.

NOES--Messrs. Baxter, Cornish, and Strobridge—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

SPECIAL ORDER SET.

On motion of Mr. Drew, the further consideration of Assembly Bill No. 225 was made a special order for eleven o'clock A. M. of Wednesday March 6, 1907.

Assembly Bill No. 932—An Act adding a new section to the Penal Code of California, to be numbered Section 1534, establishing the method of determining the average daily attendance of each common school district of each high school, of each county, of each city and county, and of the State of California, and defining the words "average daily attendance," as used in this Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 932 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Cornish, Cutten, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, O'Brien, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wyatt, and Mr. Speaker—44.

NOES—Messrs. Baxter, Hartmann, Otis, Percival, Stetson, Strobridge, Whitmore, and Wilson—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 871—An Act to provide for the formation, organization and classification of new counties, for locating county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill ordered to foot of file.

Assembly Bill No. 490—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto four new sections, to be numbered 637*b*, 637*c*, 637*d*, and 637*e*, all relating to protection of wild birds, other than game birds, and their nests and eggs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 490 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Cornish, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Messrs. Butler and Held—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action for divorce, during the pendency of the action at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 922 passed by the following vote:

AYES—Messrs. Beckett, Bell, Birdsall, Bishop, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Finney, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lemon, Lucas, Ludington, Lynch, McGuire, Otis, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Wilson, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Baxter and Fisher—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524—An Act to add a new section to the Penal Code to be known as Section 393*a*, to provide for the giving of notice of accidents occurring on any railroad in California.

Bill ordered to foot of file.

Assembly Bill No. 16—An Act to pay the claim of James Touhey, against the State of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 16 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Cogswell, Coghlan, Cornish, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Lynch, McConnell, McGuire, McKeon, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—Messrs. Birdsall, Campbell, Case, Collister, Drew, McClellan, Stetson, and Wyatt—8.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Stanton gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 16 was this day passed.

Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 828 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Cogswell, Collister, Cornish, Davis, Devlin, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, McConnell, McKeon, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—Messrs. Drew and Estudillo—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 446 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, Percival, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, and Mr. Speaker—55.

NOES—Messrs. Baxter, Beckett, Estudillo, McConnell, Toomey, and Wyatt—6.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 789—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 789 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Davis, Devlin, Estudillo, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—Mr. Finney—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 886 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 885—An Act to add to the Code of Civil Procedure of the State of California a new section, to be numbered 530½, relating to injunctions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 885 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code, and repeal Sections 384*a* and 384*b* of said Penal Code, all relating to forest fires.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 102 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Coghlan, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hans,

Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Ludington, McGuire, McKeon, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 635—An Act to regulate the keeping of large trees and to forbid the growing and planting thereof in such places and in such manner as may endanger or damage adjoining property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 635 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Bishop, Boyle, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Pyle, Root, Smith, Snyder, Spaulding, Stetson, Strohl, Transue, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.
NOES—Messrs. Birdsall, Davis, Finney, Held, Hewitt, McClellan, Percival, Sackett, Thompson of Los Angeles, and Weske—10.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 966 passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Coghlan, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McKeon, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203*a*, relating to liens.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 948 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McMullin, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 952 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—Messrs. Leeds and Otis—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 953 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Boyle, Butler, Case, Chandler, Collister, Cornish, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Held, Hewitt, Johnson, of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 537 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, Otis, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 937—An Act to add a new section to the Penal Code, to be numbered Section 653*e*, relating to tipping.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 937 refused passage by the following vote:

AYES—Messrs. Beban, Beckett, Bishop, Case, Chandler, Cogswell, Coghlan, Collister, Forbes, Fratessa, Hartmann, Johnson of San Diego, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, McKeon, Sackett, Snyder, Spaulding, Strohl, Thompson of San Francisco, Wessling, and Wilson—26.

NOES—Messrs. Baxter, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Davis, Devlin, Drew, Estudillo, Fisher, Hans, Held, Hewitt, Higgins, Jury, Leeds, Lucas, McConnell, Otis, Percival, Pyle, Root, Smith, Stanton, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—33.

Assembly Bill No. 728—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 928 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Davis, Devlin, Drew, Estudillo, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Lucas, Ludington, McClellan, McConnell, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—47.

NOES—Messrs. Kelly, Leeds, and Wyatt—3.

Mr. Coghlan moved to amend the title of the bill as follows:

By striking out the period after "1872," and inserting in lieu thereof the words "relating to keeping, residing in, and letting disorderly houses and inns, houses of public resort, rooms, apartments, and houses of prostitution."

Amendment adopted.

Title read as amended, and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 987 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Davis, Devlin, Drew, Estudillo, Fisher, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Speaker pro tem. Transue in the chair.

Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino forest reserve, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 976 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, Percival, Root, Sackett, Smith, Snyder, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—Mr. Cornish—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.

Bill read second time.

Mr. Walsh moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bill No. 499 considered.

Mr. Walsh moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 499, and do now report the same back, and recommend that it do pass.

TRANSUE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 347—An Act to authorize the depositing of county and municipal moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Amend by adding after the word "the," where it appears the first time on line 7, Section 1, first page, printed bill, and inserting the following: "chairman of the."

Amendment adopted.

AMENDMENT NO. 2.

Amend by adding after the word "Supervisors," on line 7, Section 1, first page, printed bill, and inserting the following: "Auditor and District Attorney."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "or city," on line 8, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend after the word "Auditor," on line 8, Section 1, first page, printed bill, by inserting the following: "and City Attorney."

Amendment adopted.

AMENDMENT No. 5.

Amend by adding after the word "visors," on line 9, Section 3, second page, printed bill, the following: "Auditor and District Attorney."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the word "and," on line 10, Section 3, second page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by adding after the word "Auditor," on line 10, Section 3, second page, printed bill, the following "and City Attorney."

Amendment adopted.

AMENDMENT No. 8.

Amend by adding after the word "visors," on line 7, Section 5, third page, printed bill, the following: "District Attorney."

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out the word "Auditor," on line 7, Section 5, third page, printed bill, and inserting in lieu thereof the following: "Attorney."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 689—An Act to repeal an Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 690—An Act in relation to fees of county recorders in recording documents or writings for water users' associations, incorporated in conformity with the direction of the United States under the Act of Congress, approved June 17, 1902, and relating to the use of printed matter or blanks by such recorders.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals, and excavations to the United States, over the public lands of this State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 778—An Act to change the boundaries of the County of Los Angeles.

During second reading of bill, the following amendment was submitted by Mr. Stanton:

Amend by striking out of Section 1, line 4 of printed bill, all after the word "beginning," and insert in lieu thereof the following: "At the point where the township line between Townships 4 S. and 5 S., R. 12 W., S. B. B. M., intersects the dividing line as now established between the County of Los Angeles and the County of Orange; thence running easterly along said township line to the northeast corner of Section 4, in Town-

ship 5 S., Range 11 W., S. B. B. M.; thence southerly along section line one and one-half miles to half section line running east and west; thence easterly along said half section line one half mile to the center of Section 10, Township 5 S., R. 11 W., S. B. B. M.; thence southerly along half section line one mile to center of Section 15, Township South, R. 11 W., S. B. B. M.; thence westerly along half section line one half mile to section line running north and south between Sections 15 and 16, Township 5 South, R. 11, S. B. B. M.; thence southerly along said section line two miles to half section line running east and west; thence easterly along half section line through center Sections 27 and 26 two miles to the section line running north and south between Sections 25 and 26, Township 5, R. 11 W., S. B. B. M.; thence southerly along said section line one and one half miles to southwest corner of Section 36, Township 5 S, R. 11, S. B. B. M.; thence easterly one mile to the southeast corner of Section 36, Township 5 S., R. 11 W., S. B. B. M; thence southerly along the section and township line two miles to the southeast corner of Section 12, Township 6 S., R. 11 W., S. B. B. M.; thence easterly along section line one mile to the northeast corner of Section 18, Township 6 S., R. 10 W., S. B. B. M; thence southerly along said section line to a point in Pacific Ocean three miles distance from the shore line; thence proceeding in a northwesterly direction to a point in the Pacific Ocean three miles distant from the shore where the line as at present established between Orange and Los Angeles County intersects; thence proceeding along said line between Los Angeles and Orange County in a general northeasterly direction to the point of beginning.

SEC. 2. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in said channels and preventing the overflow thereof, and for the construction by such districts of all necessary works for said purposes.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 988—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674*a*, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1027—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read second time.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bill No. 826 considered.

Mr. Held moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 826, and do now report the same back, and recommend that it do pass.

TRANSUE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnishing equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Bill read second time.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Assembly Bill No. 890 considered.

Mr. Leeds moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 890, and do now report the same back, and recommend that it do pass.

TRANSUE, Chairman.

Bill ordered to engrossment.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were submitted (unanimous consent having been obtained for their reception):

By Mr. Coghlan:

Resolved, That the contestant, Eugene E. Pfaeffle, in the matter of the contest of the

right of John Wessling to a seat in this Assembly be, and he is hereby allowed his attorney's fees and expenses in the sum of $1,111.20, as follows:

D. S. O'Brien, attorney's fee	$200 00
Filing statement of grounds of contest in county clerk's office	6 50
Hon. John J. Van Nostrand, and Hon. A. B. Lawson, commissioners, seven days at $25 per day each	350 00
Sol Bloom, taking testimony and transcribing same, and furnishing copy thereof to contestant	404 70
Expenses of contestant in San Francisco	100 00
Expenses of contestant in Sacramento	25 00
Expenses for D. S. O'Brien, attorney for contestant in Sacramento	25 00
Total	$1,111 20

And the State Controller is hereby authorized to draw a warrant in favor of Eugene E. Pfaeffle for the sum of $1,111.20, and the State Treasurer is hereby authorized and directed to pay said warrant.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

By Mr. Hartmann:

Resolved, That the sum of three hundred and ninety-four dollars ($394) is hereby appropriated to John Wessling, a member of the Assembly, for expenses incurred for attorney's fees, witness fees, mileage, and incidental expenses in the election contest of *Pfaeffle* vs. *Wessling*, in the Thirty-sixth Assembly District, and that the Controller be and he is hereby directed to draw his warrant on the Treasurer for the sum of three hundred and ninety-four dollars in favor of John Wessling, and the Treasurer is hereby instructed to pay the same, payable out of the Contingent Fund of the Assembly, as per itemized statement attached.

Expenses on part of John Wessling, Assemblyman, representing the Thirty-sixth Assembly District, and respondent in the contested election case of *Pfaeffle* vs. *Wessling:*

Witness fees	$42 00
Attorney's fees	200 00
Expenses of John Wessling during contest	152 00
Total	$394 00

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 784—An Act to amend the Civil Code of California by adding a new title thereto, to be numbered Title X, in Part IV of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*. 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROOT, Chairman.

Senate Bill No. 784 ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, number 9, relating to furnishing the series of school text-books published by this State, to institutions in this State conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

ESTUDILLO, Chairman.

Assembly Bill No. 807 ordered on file for second reading.

ADJOURNMENT.

At eleven o'clock P. M., on motion of Mr. Weske, the Speaker pro tem. declared the Assembly adjourned until ten o'clock A. M. of Saturday, March 2, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, March 2, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—78.

Quorum present.

LEAVE OF ABSENCE.

On motion, Mr. Eshleman was granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Beckett, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor--have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California. relating to the protection and preservation of fish—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CORNISH, Chairman.

The above reported bills ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 859—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State--report the same back, and recommend that it do pass.

Also: Assembly Bill No. 31—An Act to amend Section 718 of the Civil Code, relating to leases—report the same back, without recommendation.

Also: Assembly Bill No. 968—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and con truction—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement—report the same back, and recommend that it do pass.

Also: Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight—report the same back, and recommend that it do pass.

Also: Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273*g*, relating to indulging in degrading, lewd, immoral, or vicious habits or practices, or being habitually drunk in the presence of children—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of California—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 1009—An Act to amend Section 827 of the Civil Code of the State of California—report the same back, and recommend that it do pass.

Also: Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897—report the same back, and recommend that it do not pass.

Also: Senate Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered four hundred and seventy-six *a* (476*a*), relating to the making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor—report the same back, and recommend that it do pass.

Also: Senate Bill No. 555—An Act to amend Sections 336, 337, 338, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 909—An Act to amend Section 1373 of the Penal Code, relating to insane defendants in criminal cases committed to State hospitals--report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 910—An Act to amend Section 928 of the Penal Code, relating to the powers and duties of grand juries—report the same back, and recommend that it do pass.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 23—Proposed amendment to Article LX of the Constitution, relative to the formation of new counties.

Also: Senate Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employés of the Senate and Assembly.

Also: Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 1 of Article XVI thereof, relating to State indebtedness.

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 23 of Article IV thereof, relating to the compensation of the members of the Legislature, limiting the expenses of the employés of the Senate and Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Assembly Constitutional Amendment No. 19—A resolution proposing to the people of the State of California an amendment to Section 3 of Article XI of the Constitution of the State of California, relative to the formation of new counties.

Also: Senate Constitutional Amendment No. 34—Relative to dealing in margins on stock.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Constitutional Amendment No 24—Relating to boards of education.

Also: Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof, by amending Section 3 thereof, relating to the liability of stockholders of a corporation or joint stock association.

Have had the same under consideration, and respectfully report the same back, with one and three amendments, respectively, and recommend that the same be adopted as amended.

WESKE, Chairman.

The above reported constitutional amendments ordered on file for adoption.

ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Building and Loan Associations, to whom was referred Assembly Bill No. 916—An Act to amend section sixteen (16) of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the Commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass—a minority recommending that it do not pass.

OTIS, Chairman.

Assembly Bill No. 916 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of

the first class, and to provide for the consolidation and abolition of certain municipal officers and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

Assembly Bill No. 971 ordered on file for second reading.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 912—An Act to amend Sections 3 and 8 of an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Assembly Bill No. 1014—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Also: Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds—have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

STROBRIDGE, Chairman.

The above reported bills ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands and Drainage, to whom was referred Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same do pass as amended.

PERCIVAL, Chairman.

Senate Bill No. 728 ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1907.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 73—An Act making an appropriation to pay the claim of Chas. J. Morf against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CULLEN, Chairman.

Senate Bill No. 73 referred to Committee on Ways and Means.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 873—An Act to accept from E. F. Winslow Post, No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of the improvements, buildings, and furnishings therein and thereon at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of $3,000 for the purpose of purchasing ten acres or more of land, and for the improvement thereof, at and about and whereon the said improvements, buildings, and soda springs are located, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 143—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 836—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Also: Assembly Bill No. 1010—An Act making an appropriation of twenty thousand dollars ($20,000), to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Also: Assembly Bill No. 1011—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.

Also: Senate Bill No. 65—An Act to provide for the erection, equipping and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 707—An Act appropriating $4,500 to pay the claim of J. B. Lauck.

Also: Senate Bill No. 869—An Act to provide for the loan from the School Land Fund to the State of California of the sum of $250,000, providing for the transfer of said amount from to the School Land Fund to the General Fund, and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund and from the General Fund to the School Land Fund and from the General Fund to the State School Fund to carry out the purposes of this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 870—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners, of wharves, piers, docks, bulkheads, sheds, streets, and seawalls, the property of the State of California, situated on the water front, of the City and County of San Francisco, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 906—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making appropriation therefor—have had the same under consideration, and respectfully report the same back, without recommendation.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 879—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections, by eliminating all references therein to the party circle on ballots—have had the same under consideration, and respectfully report the same back, without recommendation.

STETSON, Chairman.

Assembly Bill No. 879 ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1018—An Act entitled "An Act to amend Section 1670 of the Political Code," relating to establishing and maintaining high schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SACKETT, Chairman.

Assembly Bill No. 1018 ordered on file for second reading.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 1, 1907.

To the Assembly of the State of California:

I herewith return to you with my disapproval Assembly Bill No. 220.

Upon making a careful inquiry, I find that there are not very many inquests held upon the bodies of those who are inmates of our institutions.

As the law now stands the expenses of holding the inquest is borne by the county.

The coroner is a county officer, and the Board of Supervisors have the power of auditing and allowing his accounts, and must require of him before allowing the same an affidavit showing what disposition has been made by him of the property of the deceased coming into his possession. If the proposed bill becomes a law all of the expenses of the inquest will have to be paid out of money appropriated for the support of the institution of which the deceased was an inmate. This money must be paid upon the coroner's certificate. The coroner fixes the amount of his fees. He is the judge solely of all expenses to be incurred, and thereby fixes the liability of the institution. Those in charge of the institution have no power to limit the expense or audit the claim, but must pay the amount stated in the coroner's certificate.

Such a law seems to me to be unwise, and one which may lead to many abuses, and therefore ought not to be favored.

And again, a county in which a State institution is situate receives benefits which surely ought to compensate for the small expense it is annually put to on account of holding inquests over the bodies of those who are inmates of such institutions.

J. N. GILLETT,
Governor of the State of California.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read as follows:

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following, as cases of urgency:

Senate Bill No. 861—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 290*a*, relating to corporations authorized to act as executer, administrator, guardian, assignee, receiver, depository, or trustee.

Also: Senate Bill No. 896—An Act to add three new sections to the Code of Civil Procedure, to be known as sections numbers 941*a*, 941*b*, 941*c*, of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders, or decrees of the Superior Court of the State of California, to the Supreme Court or District Courts of Appeal thereof.

Also: Senate Bill No. 899—An Act to add a new article to Chapter I of Title VIII of Part III of the Political Code, to be known as Article II*a*, relating to the sale of lands uncovered by the recession of drainage of the waters of inland lakes and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

Also: Senate Bill No. 913—An Act to amend Section 1386 of the Civil Code, relating to succession of the property of deceased persons.

Also: Senate Bill No. 922—An Act to repeal Article XIV of Chapter III of Title I of Part III of the Political Code, relating to sealers of weights and measures.

Also: Senate Bill No. 921—An Act to add a new article to Chapter III of Title I of Part III of the Political Code, to be known as Article XIV thereof, relating to the State Mining Bureau and the State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the board of trustees of said bureau.

Also: Senate Bill No. 897—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIV*a*, relating to a fireman's relief, health, and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State.

Also: Senate Bill No. 920—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter I*a*, relating to the California Home for the Care and Training of Feeble-Minded Children.

Also: Senate Bill No. 923—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as chapter I*b*, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 924—An Act to add a new article to Chapter I of Title III of Part III of the Political Code, to be known as Article VII, relating to education.

Also: Senate Bill No. 925—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter II*a*, relating to the support and maintenance of orphans, half orphans, and abandoned children.

Also: Senate Bill No. 926—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IV*a*, relating to the State Commission of Horticulture, prescribing the powers, duties, and compensation of the State Commissioner of Horticulture, and providing methods, means, and penalties for the enforcement of such powers and duties.

Also: Senate Bill No. 927—An Act to add a new Chapter to Title V of Part III of the Political Code, to be known as Chapter IV*b*, relating to the promotion of the horticultural interests of the State, by providing for county boards of horticulture.

Also: Senate Bill No. 928—An Act to add an article to Chapter II of Title VI of of Part III of the Political Code, to be known as Article X, relating to the department of highways, defining its duties and powers, and providing for the appointment and compensation of the officers and employés thereof.

Also: Senate Bill No. 898—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIV*b*, relating to a police relief, health, and life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State.

Also: Senate Bill No. 422—An Act to amend Section 1117 of the Penal Code of California, relating to the discharge of a jury where the facts do not constitute an offense, and an amendment of the indictment or information without the discharge of the jury in certain cases.

Also: Senate Bill No. 864—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 880—An Act making an appropriation of twenty thousand dollars ($20,000), to be expended by the Board of Capitol Commissioners for making alteration, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Also: Senate Bill No. 881—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.

Also: Senate Bill No. 929—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Also: Senate Bill No. 265—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.

Also: Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897.

Also: Senate Bill No. 831—An Act to provide for the survey, location, plans and estimates of costs of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Also: Senate Bill No. 716—An Act to add a new section to the Penal Code, to be numbered Section 628*e*, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor.

Also: Senate Bill No. 708—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring or setting adrift rafts or vessels.

Also: Assembly Joint Resolution No. 7—Relative to the mining interests of the State of California.

Also: Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114*a*, 114*b*, and 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.

Also: Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring or setting adrift rafts or vessels.

Also: Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Also: Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers' Pavilion, respectively, and appropriating money therefor.

Also: Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 222—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State."

Also: Assembly Bill No. 712—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the offices of the Clerk of the Supreme Court in the City of San Francisco.

Also: Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751¾, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Also: Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Also: Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry—and respectfully request that your honorable body recede from the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, the following:

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

Also: Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties, and compensation of a secretary of said school.

Also: Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

And respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, the following: Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State—and respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day adopted, as amended, the following: Assembly Constitutional Amendment No. 8—Relative to the public school system—and respectfully request that your honorable body concur in the said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 861 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 896 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 899 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 913 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 922 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 921 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 897 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 920 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 923 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 924 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 925 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 926 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 927 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 928 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 898 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 422 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 864 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 880 read first time, and ordered on file without reference.

Senate Bill No. 881 read first time, and ordered on file without reference.

Senate Bill No. 929 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 440 read first time, and referred to Committee on Judiciary.

Senate Bill No. 265 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 800 read first time, and ordered on file without reference.

Senate Bill No. 831 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 716 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 708 read first time, and referred to Committee on Judiciary.

Assembly Joint Resolution No. 7 ordered to enrollment.

Assembly Bills Nos. 788, 672, 663, 785, 13, 79, 222, 712, 713, 371, 545, and 578 ordered to enrollment.

Mr. Snyder moved that the Assembly refuse to recede from the Assembly amendments to Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry—and that the Speaker appoint a committee on conference to meet with a like committee to be appointed by the Senate, for the purpose of considering said amendments.

Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

Thereupon the Speaker announced the appointment of the following Committee on Conference on Senate Bill No. 54: Messrs. Estudillo, Held, and Chandler.

Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Constitutional Amendment No. 8?"

SENATE AMENDMENTS.

Amend as follows: After the word "include," in line 8 of the printed bill, insert the words "day and evening."

Also: In line 9, after the word "such," insert the words "day and evening."

Also: In line 13, after the word "of," insert the words "day and evening."

Also: In line 15, after the word "of," insert the words "day and evening."

The roll was called, and Senate amendments to Assembly Constitutional Amendment No. 8 were concurred in by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—59.

NOES—None.

Assembly Constitutional Amendment No. 8 ordered to reëngrossment and enrollment.

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 566?"

SENATE AMENDMENTS.

On page 1, line 3, strike out the words "for any office," and insert in lieu thereof the following: "for that particular office."

Also: On page 1, line 5, between the words "may" and "contest," insert the following: "within twenty days after such declaration."

The roll was called, and Senate amendments to Assembly Bill No. 566 were concurred in by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Boyle, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Devlin, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Assembly Bill No. 566 ordered to reëngrossment and enrollment.

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties, and compensation of a secretary of said school.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 628?"

SENATE AMENDMENTS.

On line 10, Section 1, page 1, printed bill, add: "The said trustees shall receive ten dollars per day each for their attendance upon meetings of the board, and while in the actual service of the State, and their necessary traveling expenses, to be paid as other current expenses of the school are paid; *provided*, that no trustee shall receive more than two hundred and forty dollars, exclusive of traveling expenses, in any one year."

Also: Amend Section 1, line 1, by inserting after the word "eight," the following: "of an Act entitled an Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School."

On motion, the question of concurring in Senate amendments to Assembly Bill No. 628 was placed on file for further consideration, subject to call.

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all courts of this State.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 69?"

SENATE AMENDMENTS.

On page 1, title, lines 2 and 3, strike out the words "granting to students to whom a diploma of the University of the Southern California College of Law is issued, license to practice in all the courts of this State," and insert in lieu thereof the following: "to add a new section to the Code of Civil Procedure, to be known as Section 280*b*, relating to graduates of the University of Southern California College of Law being admitted to practice without examination."

Also: On page 1, Section 1, line 1, after the figure "1," insert "A new section, to be known as Section 280*b*, is hereby added to the Code of Civil Procedure, to read as follows: 280*b*."

Also: On page 1, Section 1, line 4, strike out the words "subject to the right of the Chief Justice of the Supreme Court, or the Presiding Justice of any District Court of Appeal of the State, to order an examination of such students as make application for such license," and insert in lieu thereof the following: "without undergoing the examination required by Section 276 of this Code."

Also: On page 1, Section 2, strike out all of Section 2.

The roll was called, and Senate amendments to Assembly Bill No. 69 were concurred in by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cullen, Davis, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, Jury, Kelly, Leeds, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Assembly Bill No. 69 ordered to reëngrossment and enrollment.

Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from

overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

Mr. Hewitt moved that the Assembly refuse to concur in Senate amendments to Assembly Bill No. 591.

The question being put, "Shall the Assembly refuse to concur in Senate amendments to Assembly Bill No. 591?"

SENATE AMENDMENTS.

Amend Section 2 by adding after the end of line 29 the following: "Petition shall be heard in the order of filing."

Also: Amend by striking out of Section 5, lines 5 and 6, the words "and may change or alter the boundaries of said district to conform to the needs of the district."

Also: Amend by striking out of Section 5, line 7, the word "may," and insert the word "must"; strike out, in line 7, the words "in its discretion."

Also: Amend Section 5, line 7, by adding after the word "district" the following: "As petitioned for."

Also: Amend Section 8, line 34, by adding after the word "and" the following: "upon approval by a majority of the electors."

Motion carried.

REQUESTS FOR INTRODUCTION OF BILLS.

The following petitions, asking permission to introduce bills out of order, were offered:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 206 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1907, and amended March 19, 1903, and amended March 20, 1905."

BAXTER,
Member Twenty-sixth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature."

WHITMORE,
Member Twenty-fifth District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act providing the conditions upon which maps outlining the subdivisions of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder."

TRANSUE,
Member Seventy-third District.

Petitions referred to Committee on Introduction of Bills.

RESOLUTION.

The following resolution was submitted:
By Mr. Transue:

Resolved, That the State Printer be and he is hereby directed to have the 300 copies each of all the chapters of the thirty-seventh session, heretofore ordered by resolution, printed and delivered on or before the 10th day of April, 1907, to the Chief Clerk, who shall arrange the same in sets, to be expressed, charges prepaid, to the members of the Assembly. For the purpose of defraying the expense of sorting, packing, and paying expressage the State Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly in the sum of $125 in favor of Clio Lloyd, Chief Clerk, and the Treasurer is directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Devlin, Estudillo, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Pyle, Root, Sackett, Smith, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly re-reëngrossed, viz:

Assembly Bill No. 416—An Act to regulate the business of detectives, guards, and watchmen in the State of California, and prescribing penalties for the violation thereof.

Also: Beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Assembly Bill No. 690—An Act in relation to fees of county recorders in recording documents or writings for water users' associations incorporated in conformity with the direction of the United States under the Act of Congress approved June 17, 1902, and relating to the use of printed matter or blanks by such recorders.

Assembly Bill No. 689—An Act to repeal an Act to create a State Board of Charities and Corrections, prescribing its duties and powers and appropriating money therefor, approved March 25, 1903.

Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States, over the public lands of this State.

Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon or wash extending by, through or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way and other property by purchase, gift or condemnation, and for extending, straightening, locating, improving and maintaining the channels of such streams, water courses, cañons or washes, and confining said waters in said channels and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907.

Assembly Bill No. 988—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674*a*, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Assembly Bill No. 1027—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Assembly Bill No. 890—Making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Assembly Bill No. 929—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

HANS, Chairman.

Assembly Bill No. 416 was ordered on file for passage.

The above reported engrossed bills were ordered on file for third reading.

SPECIAL ORDERS.

The hour of eleven o'clock A. M. having arrived.

The special orders heretofore set for consideration at this hour were taken up in the following order:

Assembly Bill No. 804—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members.

WITHDRAWAL OF BILL.

Mr. Chandler asked for and was granted unanimous consent to withdraw Assembly Bill No. 804.

Bill withdrawn, and ordered stricken from the file.

Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.

Mr. Walsh moved that debate be limited to one hour each for the proponents and the opponents of the bill.

Mr. Johnson of Sacramento moved as an amendment that the time be limited to two hours.

Amendment lost.

Thereupon Mr. Johnson of Sacramento moved as an amendment that the time be limited to one hour and a half.

The amendment was accepted by Mr. Walsh.

The question being upon the motion of Mr. Walsh, as amended by Mr. Johnson of Sacramento.

A vote was taken, and the motion as amended carried.

Bill read third time.

During the debate, Mr. Jury of San Mateo laid before the Assembly a telegraphic offer from the Board of Trade of South San Francisco, San Mateo County, wherein the sum of one hundred thousand dollars and forty acres of fine land were at the disposal of the State of California in consideration of the State Capitol and seat of government being removed to that place.

The telegram referred to is as follows:

SOUTH SAN FRANCISCO, SAN MATEO COUNTY, CAL., February 28, 1907.

Hon. R. H. Jury, Sacramento, Calif.

Please inform the Legislature that the Board of Trade of South San Francisco, San Mateo County, stands ready to donate forty acres of land in said city, and a cash bonus of one hundred thousand dollars as an inducement for the location of the State Capitol and seat of government in said city of South San Francisco.

Signed: ADOLPH JACOBS,
Chairman Executive Board, Board of Trade.

Mr. Walsh moved that the hour of recess be extended to one o'clock and thirty minutes P. M.

Motion lost.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

CONSIDERATION OF SENATE BILL NO. 850—(RESUMED).

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 850 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Coghlan, Collister, Cornish, Cullen, Cutten, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—Messrs. Birdsall, Case, Chandler, Cogswell, Costar, Davis, Devlin, Drew, Hewitt, John, Johnson of Sacramento, Lynch, McConnell, Percival, Pyle, Smyth, Stanton, and Thompson of Los Angeles—18.

Title read and approved.

EXPLANATION OF VOTE.

Mr. O'Brien asked for and was granted permission to have it appear in the Journal that he voted for the passage of Senate Bill No. 850 for the purpose of moving to reconsider the vote.

NOTICE OF MOTION TO RECONSIDER.

Mr. O'Brien gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 850 was this day passed.

Mr. Walsh moved that when the Assembly adjourn it be until ten o'clock A. M. of Monday, March 4, 1907.

Motion carried.

Committee Substitute for Senate Bills Nos. 238, 665, and 710—An Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 238, 665, and 710 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Case, Cogswell, Cornish, Costar, Cullen, Davis, Drew, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Spaulding, Stanton, Thompson of Los Angeles, Walsh, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Leeds moved that the vote whereby Assembly Bill No. 579—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate

the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 8 and 14 thereof, and adding a new section thereto, to be numbered and designated Section 9½—was passed, be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Leeds, the further consideration of Assembly Bill No. 579 was made a special order for ten o'clock A. M. of Monday, March 4, 1907.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Leeds moved that the vote whereby Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor—was passed, be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Leeds, the further consideration of Assembly Bill No. 16 was made a special order for ten o'clock A. M. of Monday, March 4, 1907.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Bishop moved that the vote whereby Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial—was refused passage, be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Bishop, the further consideration of Senate Bill No. 69 was made a special order for eleven o'clock A. M. of Monday, March 4, 1907.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Cutten moved that the vote whereby Senate Bill No. 274—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose—was refused passage, be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Cutten, the further consideration of Senate Bill No. 274 was made a special order for eleven o'clock A. M. of Monday, March 4, 1907.

MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read (unanimous consent having been obtained for its reception):

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title I*a*, relating to State schools of industry and reform for juvenile offenders.

Also: Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953*a*, 953*b*, and 953*c*, relating to a new and alternative method for the preparation of records to be used on appeals, judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Also: Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Also: Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Also: Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Also: Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Also: Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Also: Senate Bill No. 356—An Act to amend Section 687 of the Penal Code of California, relating to prosecutions for the same offense after prior convictions or acquittal in criminal actions.

Also: Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Also: Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Also: Senate Bill No. 796—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Also: Senate Bill No. 765—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California, of the improvements, buildings, and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of $3,000 for the purpose of purchasing ten acres or more of land, and for the improvements thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army, to be known as Winslow Veterans' Home, and to provide for the government thereof by the State of California.

Also: Committee Substitute for Senate Bill No. 600—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert on taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Also: Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title of real property partitioned by decree of court.

Also: Senate Bill No. 33—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Senate Bill No. 26—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 34—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 350—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

Also: Senate Bill No. 787—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Also: Senate Bill No. 713—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation, at the Port of Wilmington and Bay of San Pedro," approved March 19, 1889.

Also: Senate Bill No. 758—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Also: Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.

Also: Senate Bill No. 811—An Act to repeal Title II, of Part IV, of the Political Code, and to add a new Title II, of Part IV, of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Also: Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Also: Senate Bill No. 840—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907, inclusive.

Also: Senate Bill No 682—An Act to amend an Act entitled "An Act to repeal Section 427 of An Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872," and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance may be invested, approved March 21, 1907.

Also: Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872 and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Also: Senate Bill No. 33—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Senate Bill No. 43—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Also: Senate Bill No. 744—An Act to add a new section to the Political Code, to be numbered Section 2295*a*, and relating to supplying the State Library with State publications for exchange purposes.

Also: Senate Bill No. 328—An Act to amend Sections 656, 658, 659, 660, 661, and to renumber and amend Section 663½ of the Code of Civil Procedure, all relating to new trials.

Also: Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Also: Senate Bill No 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Also: Senate Bill No. 322—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 582 thereof, as approved March 11, 1872, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Also: Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 738 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 783 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 318 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 206 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 214 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 327 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 358 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 356 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 326 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 329 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 796 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 765 read first time, and referred to Committee on Ways and Means.

Committee Substitute for Senate Bill No. 600 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 803 read first time, and referred to Committee on Judiciary.

Senate Bill No. 33 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 441 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 26 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 34 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 350 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 785 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 787 read first time, and referred to Committee on Swamp and Overflowed Lands and Drainage.

Senate Bill No. 713 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 758 read first time, and ordered on file without reference.

Senate Bill No. 237 read first time, and referred to Committee on Judiciary.

Senate Bill No. 811 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 518 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 840 read first time, and ordered on file without reference.

Senate Bill No. 682 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 681 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 36 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 43 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 680 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 744 read first time, and referred to Committee on State Library.

Senate Bill No. 328 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 316 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 319 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 322 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 323 read first time, and referred to Committee on Revision and Reform of Laws.

SECOND READING OF BILLS.

Assembly Bill No. 939—An Act to amend Chapter I, of Title V, of Part III, of the Political Code, providing for the care of insane, feeble-minded, and other incompetent persons, the management of State hospitals, and establishing a board of lunacy commissioners.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 698—An Act to add a new section to the Penal Code of the State of California, to be known as Section 401*b*, relating to exits in buildings used for public assemblages.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out after the word and figure "Section 1," on line 1, Section 1, first page, printed bill, all of lines 1, 2, and 3 of said section.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Section 5, on second page, printed bill, and renumbering the remaining sections.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out lines 1, 2, and 3 of title of bill, on first page, printed bill, and inserting in lieu thereof the following: "To regulate exits for the safety of persons in buildings used for public assemblages."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 121—An Act to amend Section 25 of "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the powers of boards of supervisors and the duties and compensation of health officers appointed by such boards.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "four" on line 341, tenth page of the printed bill, and inserting in lieu thereof the following: "two."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the "a" in line 389, eleventh page of the printed bill, and inserting the following: "the."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of lines 152 and 316, inclusive, on pages 5, 6, 7, 8, 9, and 10 of printed bill and inserting in lieu thereof the following:

13. Any county having an outstanding indebtedness, evidenced by bonds or warrants thereof, may refund such indebtedness and issue bonds of the county therefor, and any county may incur or refund a bonded indebtedness for any purpose for which the board of supervisors are herein authorized to expend the funds of said county. Such indebtedness shall be refunded or incurred in the following manner, to wit: The board of supervisors thereof shall by order specify the purpose for which the indebtedness is to be incurred, the amount of bonds which they propose to issue, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run, and shall further provide for submitting the question of the issuance of said bonds to the qualified electors of the county at the next general election, or at a special election to be called by the board for that purpose, and the words to appear upon the ballots shall be "Bonds—Yes" and "Bonds—No" or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Several separate propositions may be submitted at the same election. If a special election is called none but qualified voters of the county shall be permitted to vote thereat, and it shall be held as nearly as practicable in conformity with the general election laws of the state; *provided, however*, that for the holding of such special election the board may form bond election precincts by consolidating the precincts established for general election purposes to a number not exceeding six in each bond election precinct, and shall appoint only one inspector, two judges and one clerk for each bond election precinct. Notice shall be given of such election by publication in one or more newspapers published

in the county, once a week for at least four weeks, or daily for not less than thirty days, prior to said election. If there be no such newspaper, then by posting the same conspicuously in five public places in said county at least thirty days before said election. Such notice must contain the time and place or places of holding such election, the names of election officers to conduct the same, the amount and denomination of the bonds, the rate of interest to be paid and the number of years, not exceeding forty, the whole or any part of such bonds are to run. If any election officers so named in such notice are not present at the opening of the polls, the electors present may appoint election officers to take the place of such election officers so absent. If two thirds of the electors of the county voting at such election shall vote in favor of issuing such bonds, the board must proceed to issue the amount of bonds specified; *provided*, that the total amount of bonded indebtedness shall at no time exceed five per centum of the taxable property of the county, as shown by the last equalized assessment book thereof. This limitation shall not apply to bonds which may be issued to refund an indebtedness existing January first, eighteen hundred and eighty. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof; and said board may also, at their option, by a provision in such bonds, make such principal payable on or before a specified date at the pleasure of the county. Said bonds may be issued in denominations not to exceed one thousand dollars and not less than one hundred dollars; principal and interest payable in gold coin of the United States, either at the treasury of said county or at such place within the United States as such board may designate, or both at such treasury or such designated place, at the option of the bondholder. Interest on said bonds shall not exceed six per centum per annum, payable annually or semi-annually, as said board may designate. Said bonds shall be signed by the chairman of the board of supervisors, and attested by the auditor of said county, and have the seal of the board of supervisors attached, and said coupons shall be signed by said auditor by original or lithographed fac-simile signature; and said bonds shall be sold at the times, in the amounts and in the manner prescribed by said board of supervisors, but for not less than par. The board of supervisors, at the time of making the next general tax levy after incurring the indebtedness of any bonds issued under the provisions of this act, and annually thereafter until all of said bonds are paid, or until there shall be a sum in the treasury of the county set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, must levy a tax for that year upon the taxable property of said county for the interest and redemption of said bonds, which shall be in addition to all other taxes, and such tax must not be less than sufficient to pay the annual interest on said bonds and such portion of the principal if any, as is to become due before the time for making the next general tax levy, and in any event must be sufficient to raise annually for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term sufficient to pay such annual interest, and to provide annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds have to run. And the board of supervisors, before or at the time of issuing said bonds, by ordinance shall provide for the levy of an annual tax sufficient to effect the objects of this provision. Such tax, when collected, shall be paid into the treasury of the county, and used solely to pay the interest and principal of said bonds as they respectively become due. The revenue derived from the sale of said bonds shall be applied to the purpose specified in the order of the board, and no other. Should there be any surplus, it shall be applied toward the payment of the bonds. The board of supervisors of any county can contract a bonded indebtedness for county purposes only as herein provided.

In issuing bonds under this act, the board of supervisors may, at its option, use the following form of bond and coupon.

UNITED STATES OF AMERICA,

No ..... County of ..... $.....

STATE OF CALIFORNIA.

The county of ..... State of California, hereby acknowledges itself indebted and promises to pay the bearer hereof, on the .... day of ..... (herein insert, if the board of supervisors elect to make the bond payable on a certain date, or before that date, at the pleasure of the county, the words "or at any time before that date at the pleasure of the county") the sum of ..... dollars, in gold coin of the United States, with interest thereon, in like gold coin, at the rate of ..... per centum per annum, payable at ..... semi-annually (or annually) on the first day of ..... and ..... (or on the first day of ..... if interest payable annually) on presentation of the interest coupon hereto attached.

This bond is issued by the board of supervisors of the county of ..... State of California, in strict compliance with an act of the legislature entitled "An Act to establish a uniform system of county and township governments," approved

the ..... day of ..... 189...., and in pursuance of an order of said board duly made on the ..... day of ..... 19....., and with the assent of two thirds of the qualified electors of said county, voting at an election legally called and duly held for that purpose on the ..... day of ..... 19.....

And it is hereby certified and recited that the bonded indebtedness of said county, including this bond, does not exceed five per centum of the taxable property thereof, as shown by the last equalized assessment of said county, and that provision has been made for the collection of an annual tax sufficient to pay the interest on this indebtedness as it falls due, and also sufficient to constitute a sinking fund for the payment of said indebtedness at or before maturity.

In witness whereot the said county, by its board of supervisors, has caused this bond to be signed by the chairman of said board, and attested by the auditor thereof, and the seal of the board of supervisors to be hereto attached this ..... day of ..... one thousand .....

.....
Chairman Board of Supervisors.

Attest: .....
County Auditor.

And the interest coupon may be in the following form:

"The county of ....., State of California, hereby promises to pay the holder hereof, on the ..... day of ....., one thousand ..... at..... ..... in ..... $ ..... United States gold coin, for interest on its county bond No. .....

.....
County Auditor.

If the board of supervisors of any county which has issued bonds under the provisions of this act, shall fail to make the levy necessary to pay such bonds or interest coupons at maturity, and the same shall have been presented to the county treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said county, a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the state tax and paid into the state treasury and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged, any balance remaining being passed to the general account and credit of said county.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the right of local authorities to regulate the use of public highways by motor vehicles.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of Section 1 of the printed bill, and insert in lieu thereof as follows:

SECTION 1. Section 1 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, is hereby amended so as to read as follows:

Section 1. The words and phrases used in this Act shall for the purposes of this Act, unless the same be contrary to, or inconsistent with the context, be construed as follows: (1) "motor vehicles" shall include all vehicles propelled by any power other than muscular power; *provided*, that nothing herein contained, except the provisions of subdivisions three, four and five of section three, and subdivisions one and four of section four of this Act, shall apply to motor cycles, motor bicycles, traction engines or road rollers; (2) "public highways" shall include any highway, county road, State road, public street, avenue, alley, park, parkway, driveway or public place in any county, or incorporated city and county, city or town; (3) "closely built up" shall mean (*a*) the territory of any county, or incorporated city and county, city or town contiguous to a public highway which is at that point built up with structures devoted to business, (*b*) the territory of any county or incorporated city and county, city or town contiguous to a public highway not devoted to business, where for not less than one-quarter of a mile the dwelling houses on such highway average less than one hundred

feet apart; *provided*, that the local authorities having charge of such highway shall have placed conspicuously thereon at both ends of such closely built up section signs of sufficient size to be easily readable by a person using the highway, bearing the words "slow down to —— miles," inserting in the blank space the number of miles to which the speed is to be reduced, and also an arrow pointing in the direction where the speed is to be reduced; (4) "local authorities" shall include all boards of supervisors, trustees or councils, committees and other public officials of counties, or incorporated cities and counties, cities or towns; (5) "chauffeur" shall mean any person operating a motor vehicle as mechanic, employé or for hire.

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2 of the printed bill, and insert in lieu thereof as follows:

SEC. 2. Section 4 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, is hereby amended to read as follows:

Section 4. Subdivision 1. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals, or any other vehicles, the person so operating such motor vehicle shall reasonably turn the same to the right of the center of such highway so as to pass without interference. Any such person so operating a motor vehicle shall, on overtaking any such horse, draft animal, or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal, or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right, and pass to the right of such intersection when turning to the left. Nothing in this subdivision shall, however, be construed as limiting the meaning or effect of the provisions of section three of this Act.

Subdivision 2. Every motor vehicle, while in use on a public highway shall be provided with good and efficient brakes, and also with suitable bell, horn, or other signal, and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction towards which such vehicle is proceeding, showing the registered number of the vehicle in separate Arabic numerals not less than one inch in height, and each stroke to be not less than one quarter of an inch in width, and also a red light visible in the reverse direction.

Subdivision 3. Subject to the provisions of this Act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways, or excluding or prohibiting any motor vehicle whose owner has complied with Section 2 of this Act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed than herein specified at which such vehicles may be operated, or the use of the public highways, contrary or inconsistent with the provisions of this Act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity of (or) effect; *provided, however*, that the local authorities of incorporated cities and counties, cities and towns, may limit by ordinance, rule or regulation hereafter adopted, the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all other vehicles, such speed limitation not to be in any case less than one mile in six minutes, and on further condition that such incorporated city and county, city or town, shall also have placed conspicuously on each main public highway where the boundary of such municipality crosses the same and on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to —— miles," (the rate being inserted), and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation shall fix the penalties for violation thereof similar to and no greater than those fixed by such local authorities for violation of speed limitation by any other vehicles than motor vehicles, which penalties shall during the existence of the ordinance, rule or regulation supersede those specified in Section 6 of this Act; *and provided further*, that nothing in this Act shall be construed as limiting the power of local authorities to make, enforce and maintain further ordinances, rules or regulations affecting motor vehicles which are offered to the public for hire.

Subdivision 4. Local authorities may, notwithstanding the provisions of this Act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any public park or parkways, but in that event must, by signs at each entrance of such park and along such parkway, conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any mountain road when, in their opinion, public safety demands it, but in that event must display signs at all crossings to such roads, indicating that the use of such roads by motor vehicles is prohibited, and may exclude motor vehicles from any cemetery or grounds used for the burial of the dead.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of school trustees and city boards of education.

During second reading of bill, the following amendments were submitted by the committee.

AMENDMENT No. 1.

Amend by inserting after the words "Introduced by Mr. Sackett" the words "by request," first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out the period after the word "districts," in line 25, page 2, printed bill, and insert in lieu thereof a comma, and add the following: "to install a system for ventilating each school room, to fumigate each school room and all books, supplies, and apparatus therein contained at least twice each year, to provide an adequate water supply for all school buildings, to see that all outbuildings, toilets, and sewerage are kept in proper sanitary condition, to make and enforce such rules as may be necessary to preserve the good health and encourage the physical development of the children of the school; and, generally, to exercise all powers which may be incidental or necessary to the proper conduct and management of the schools within their respective districts."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of subdivison seven, after the word "teachers," in line 36, page 2, printed bill, insert a period after the word "teachers," and add the following:

"Unless otherwise prescribed by law, the salaries of all officers, teachers, or other employés of the school department in incorporated cities having boards of education must be fixed at an annual sum, payable in twelve equal monthly installments, not later than the fifth day of every calendar month, and the secretary of the board of education must immediately notify the county superintendent of schools, in writing, of the election of all officers, teachers or other employés, stating the annual salary of each, and making the credentials, or grade of certificate held by those elected to teach in the department.

"Trustees of school districts lying outside the limits of incorporated cities having boards of education must immediately notify the county superintendent of schools, in writing, of the employment of all teachers within their respective districts, naming the annual salary to be paid, and the grade of certificate or credentials held by the teachers employed; *provided*, that no board of trustees shall enter into any contract with any employé to extend beyond the thirtieth day of June next ensuing."

Amendment adopted.

AMENDMENT No. 4.

Strike out all of subdivision nine of the printed bill, lines 75 to 102, inclusive, and in lieu thereof insert the following:

Ninth. To exclude from school, children under six years of age; *provided*, that in cities and towns in which the kindergarten has been adopted, or may hereafter be adopted, as a part of the public primary schools, children may be admitted to such kindergarten classes at the age of four years.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 1024 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1024, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 1022 (Committee Substitute for Assembly Bill No. 615)—An Act to amend Section 163 of the County Government Act.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1023—An Act to amend Section 208 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 386—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 993—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 900—An Act to amend Section 53 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the county and township officers and their terms of office.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 983—An Act affecting the duties of county auditors throughout the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 849—An Act to amend Section 18 of the Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, the Act known as "The County Government Act."

Bill read second time, and ordered to engrossment.

Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "hundred," on line 32, second page, printed bill, the word: "dollars."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "fifty," on line 98, fourth page, printed bill, the word "dollars."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting before the word "this," in line following line 129, fifth page, printed bill, the following: "Section 2."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 533—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the title of the Act from the printed bill, and insert in lieu thereof the following: "An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, relating to the compensation of county and township officers in counties of the fifty-second class."

Amendment adopted.

AMENDMENT No. 2.

Strike out lines 1, 2, and 3 in Section 1, page 1 of printed bill, and insert in lieu thereof the following:

SECTION 1. Section 209 of an Act entitled an Act to establish a uniform system of county and township government, approved April 1, 1897, and amended March 23, 1901, is hereby amended to read as follows:

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 592—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, respecting certain other sections, and adding certain sections thereto," approved March 23, 1901.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "thousand," on line 16, second page, printed bill, the word "dollars."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the figures "17," on line 98, fourth page, printed bill, and inserting in lieu thereof the following: "Section 2."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 717—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 213 thereof, relating to counties of the fifty-sixth class.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 595—An Act to amend Section 198 of the Code of Civil Procedure of the State of California, relative to competency of jurors.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 504—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 1 thereof, and by adding a new section, to be known as Section 18*a*.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 969—An Act to amend "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as Section 9*a*, relating to appointment of poundkeepers outside of incorporated cities.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 832—An Act to define the duties of and to license land surveyors and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out in Section 11, line 1, all after the word "upon," to and including "such facts," on line 3, and inserting in lieu thereof as follows: "It shall be the duty of the county surveyor of each county, immediately on ascertaining that any licensed surveyor has failed to comply with the requirements of this Act, to furnish the Surveyor-General with satisfactory proofs of such fact. Upon receipt of such proofs."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 881—An Act appropriating $4,500 to pay the claim of J. B. Lauck.

Bill read second time.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 881 considered.

Mr. Leeds moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 881, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

THIRD READING OF BILL—(OUT OF ORDER).

Assembly Bill No. 254—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

During third reading of the bill, Mr. Otis moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2 of printed bill, strike out the following:
"SEC. 3. This Act is exempt from the provisions of Section 672 of the Political Code."
Also: On line 1 of Section 4, page 2 of printed bill, change "4" to "3."

Motion carried.

The Speaker appointed Mr. Otis as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 254, with instructions, do now report that the instructions of the Assembly have been carried out.

OTIS, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed, viz:

Assembly Bill No. 896—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employés.

HANS, Chairman.

Assembly Bill No. 896 ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was submitted (unanimous consent having been obtained for its reception):

By Mr. Hewitt:

WHEREAS, The Assembly on this day refused to concur in the Senate amendments of Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905; therefore, be it

Resolved, That the Chief Clerk notify the Senate that the Assembly on this day respectfully refuses to concur in the Senate amendments to said bill, and request that the Senate recede therefrom, and that in case of non-receding, the Assembly has appointed Messrs. Hewitt, Costar, and Devlin as a committee on conference on behalf of the Assembly to meet a like committee from the Senate.

Resolution read, and, on motion, adopted.

COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of the following committee on conference: Messrs. Hewitt, Costar, and Devlin.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Monday, March 4, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, March 4, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—67.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. Eshleman, Chandler, Hans, Vogel, and Thompson of San Francisco.

PRAYER.

Prayer was offered by Rev. Seren N. Marsh.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3d day of June, 1906, shall be held invalid by reason of being entered into on any such holidays, nor by reason of having been entered into prematurely on account of such holidays, and ratifying and

confirming contracts so entered into—report the same back, and recommend that it do pass.

Also: Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said Code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903—report the same back, and recommend that it do pass.

Also: Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions—report the same back, and recommend that it do pass.

Also: Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephone and transmission lines"—report the same back, and recommend that it do pass.

Also: Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751½, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property, and in actions for specific performance—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 1003—An Act to amend Section 3496 of the Political Code of the State of California, relating to the public lands—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 981—An Act to amend the Penal Code by adding thereto a new section, to be numbered 515, relating to embezzlement by a co owner or co-partner—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 959—An Act to require persons and corporations owning or operating steam railroads to construct stock passes under their tracks when such tracks divide into two or more parts a parcel of land used for stock-raising, pasturage or grazing—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 963—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code, relating to succession of community property—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 962—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property—report the same back, and recommend that it do pass.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC CHARITIES AND CORRECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Senate Bill No. 546—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, approved March 22, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCAS, Chairman.

Senate Bill No. 546 ordered on file for second reading.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 265—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*i*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CORNISH, Chairman.

Senate Bill No. 265 ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953*a*, 953*b*, and 953*c*, relating to

a new and alternative method for the preparation of records to be used on appeals from judgments, orders or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Also: Senate Bill No. 896—An Act to add three new sections to the Code of Civil Procedure, to be known as sections numbers 941*a*, 941*b*, and 941*c* of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders or decrees of the Superior Court of the State of California to the Supreme Court or District Courts of Appeal thereof.

Have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 928—An Act to add a new article to Chapter II of Title VI of Part III of the Political Code, to be known as Article X, relating to the Department of Highways, defining its duties and powers, and providing for the appointment and compensation of the officers and employés thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Also: Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Also: Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Also: Senate Bill No. 322—An Act to amend Sections 581, 582, and 585 of the Code of Civil Procedure, to add a new section thereto, to be numbered 581*a*, all relating to judgments.

Also: Senate Bill No. 323—An Act to amend Sections 602 and 615, of the Code of Civil Procedure, both relating to jury trials.

Also: Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Also: Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Also: Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing and determination of appeals to the Superior Court in criminal actions.

Also: Senate Bill No. 861—An Act to amend the Civil Code by adding thereto a new section, to be numbered 290*a*, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depositary or trustee.

Also: Senate Bill No. 922—An Act to repeal Article XIV, of Chapter III, of Title I, of Part III of the Political Code, relating to sealers of weights and measures.

Also: Senate Bill No. 913—An Act to amend Section 1386 of the Civil Code, relating to succession to the property of deceased persons.

Also: Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674, of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Also: Senate Bill No. 328—An Act to amend Sections 656, 659, and 660, and to renumber and amend Section 663½ of the Code of Civil Procedure, all relating to new trials.

Also: Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title I*a*, relating to State schools of industry and reform for juvenile offenders.

Also: Senate Bill No. 924—An Act to add a new article to Chapter I, of Title III, of Part III of the Political Code, to be known as Article VII, relating to education.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

WYATT, Chairman.

The above reported bills ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CULLEN, Chairman.

Senate Bill No. 696 referred to Committee on Ways and Means.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Committee Substitute for Senate Bills Nos. 21 and 394—An Act to establish a

standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 733—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Also: Assembly Bill No. 734—An Act to repeal Section 444, of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Also: Assembly Bill No. 735—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Also: Assembly Bill No. 736—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies.

Also: Assembly Bill No. 738—An Act to repeal an Act entitled "An Act to extend the time for filing with the Insurance Commissioner statements of insurance business transacted during the year ending December 31, 1905, within the time prescribed by law, and to remit penalties for failing to file the same," approved June 14, 1906.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DREW, Chairman.

The above reported bills ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 739—An Act to appropriate the sum of two thousand five hundred thirty-six and seventy-six one-hundredths dollars to pay the claim of the Ætna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Also: Assembly Bill No. 740—An Act to appropriate the sum of eight hundred eighty-nine and $\frac{55}{100}$ dollars to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State California.

Also: Assembly Bill No. 741—An Act to appropriate the sum of one thousand seven hundred and sixty-two and seventy-nine one-hundredths dollars to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Also: Assembly Bill No. 742—An Act to appropriate the sum of eleven and thirty one-hundredths dollars to pay the claim of the Life Association of America against the State of California.

Also: Assembly Bill No. 743—An Act to appropriate the sum of three hundred forty-nine and $\frac{50}{100}$ dollars to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Also: Assembly Bill No. 744—An Act to appropriate the sum of two hundred twenty-two and $\frac{85}{100}$ dollars to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also: Assembly Bill No. 745—An Act to appropriate the sum of three thousand four hundred sixty-two and eleven one-hundredths dollars to pay the the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Assembly Bill No. 746—An Act to appropriate the sum of one thousand five hundred thirty-one and ninety-one one-hundredths dollars to pay the claim of the Prudential Insurance Company of America against the State of California.

Also: Assembly Bill No. 747—An Act to appropriate the sum of sixty and fifty-one one-hundredths dollars to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on Ways and Means.

DREW, Chairman.

Assembly Bills Nos. 739, 740, 741, 742, 743, 744, 745, 746, and 747 referred to Committee on Ways and Means.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records other than court records or public records of private writings when such

public records have been lost, injured, or destroyed by conflagration or other public calamity.

Also: Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Also: Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Also: Assembly Bill No. 409—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes, and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

Also: Assembly Bill No. 841—An Act to repeal Title XVI, of Part IV, of Subdivision First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Also: Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Also: Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.

Also: Assembly Bill No. 144—An Act to provide for making repairs, and for additional equipment, at the State Normal School at San Diego, and making an appropriation therefor.

Also: Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Also: Assembly Bill No 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.

Also: Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Also: Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Also: Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Also: Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bank-book or statement of his deposit account within a certain time, or be concluded thereby.

Also: Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.

Also: Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change.

Also: Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Also: Assembly Bill No. 456—An Act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 419, 420, 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Also: Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley of Tulare Lake and streams flowing therein for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 478—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 625 read first time, and referred to Committee on Judiciary.

Senate Bill No. 842 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 270 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 761 read first time, and ordered on file without reference.

Assembly Bills Nos. 409, 844, 461, 549, 144, 271, 486, 626, 847, 850, 800, 893, 894, 659, 801, 456, and 107 ordered to enrollment.

REQUEST FOR THE INTRODUCTION OF BILL.

The following petition asking permission to introduce bill out of order was offered:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "Assembly Concurrent Resolution No. 23—Relative to approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein for the purpose of ratifying said charter on the 1st day of March, 1907.

ESTUDILLO,
Member Seventy-eighth Assembly District.

Petition referred to Committee on Introduction of Bills.

BILL RECALLED FROM COMMITTEE.

Mr. Strobridge moved that Assembly Bill No. 929—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property—be recalled from the Committee on Labor and Capital and placed on file for second reading.

Motion carried.

WITHDRAWAL OF CONCURRENT RESOLUTION.

Mr. Pyle asked for and was granted unanimous consent to withdraw Assembly Concurrent Resolution No. 13—Relative to approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22d day of January, 1907.

Assembly Concurrent Resolution No. 13 withdrawn and ordered stricken from the file.

SPECIAL ORDER SET.

On motion of Mr. Stetson, the consideration of Assembly Concurrent Resolution No. 19— Relative to adjournment *sine die*—was made a special order for three o'clock and thirty minutes P. M. of this day.

SUBSTITUTION OF BILL REFUSED.

Mr. Hewitt moved that Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor—be substituted for Assembly Bill No. 796—An Act to provide for the improvement of the cereal crops of California, and to appropriate money therefor—they being identical.

Motion lost.

WITHDRAWAL OF BILLS.

Mr. Lucas asked for and was granted unanimous consent to withdraw Assembly Bill No. 82—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, 3897, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code as it now exists, and to reënact and amend said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties.

Bill withdrawn, and ordered stricken from the file.

Mr. Walsh asked for and was granted unanimous consent to withdraw Assembly Bill No. 836—An Act making an appropriation to pay the claim of Victor Heck against the State of California—it being identical with Senate Bill No. 696, now in this House.

Assembly Bill No. 836 withdrawn, and ordered stricken from the file.

Mr. Higgins asked for and was granted unanimous consent to withdraw Assembly Bill No. 80—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, California.

Bill withdrawn, and ordered stricken from the file.

Mr. Snyder asked for and was granted unanimous consent to withdraw the following Assembly bills:

Assembly Bill No. 166—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.

Assembly Bill No. 168—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.

Assembly Bill No. 170—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry.

Assembly Bill No. 172—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Assembly Bill No. 169—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Assembly Bill No. 171—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Bills withdrawn, and ordered stricken from the file.

Mr. Cornish asked for and was granted unanimous consent to withdraw Assembly Bill No. 873—An Act to accept from E. P. Winslow Post

No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in, the State of California of the improvements, buildings, and furnishings therein and thereon at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of $3,000 for the purpose of purchasing ten acres or more of land, and for the improvement thereof, at and about and whereon the said improvements, buildings and soda springs are located, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Bill withdrawn, and ordered stricken from the file.

Mr. Whitmore moved that Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class—be substituted for Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof approved March 23, 1901, and the amendment thereof approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class—they being identical.

Motion carried.

Mr. Whitmore asked for and was granted unanimous consent to withdraw Assembly Bill No. 979.

Bill withdrawn, and ordered stricken from the file.

Mr. Held asked for and was granted unanimous consent to withdraw the following Assembly bills:

Assembly Bill No. 845—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital, and making an appropriation therefor.

Assembly Bill No. 23—An Act to amend the Penal Code of the State of California by repealing Section 626*g* of said Penal Code, relating to the hunting, etc., of tree squirrels.

Assembly Bill No. 25—An Act to amend Section 632 of the Penal Code of the State of California, relating to the closed season for trout.

Assembly Bill No. 26—An Act to amend the Penal Code of the State of California, by repealing Section 637*a* of said Code, relating to the destruction, etc., of meadow larks, their nests and eggs.

Bills withdrawn, and ordered stricken from the file.

Mr. Estudillo asked for and was granted unanimous consent to withdraw the following Assembly bills:

Assembly Bill No. 45—An Act to amend Section 626 of the Penal Code of the State of California, relating to the closed season for quail, duck, etc.

Assembly Bill No. 300—An Act to amend Section 626*a* of the Penal Code of the State of California, relating to game and fish.

Assembly Bill No. 301—An Act to amend Section 637*a* of the Penal Code of California, relating to game and fish.

Bills withdrawn, and ordered stricken from the file.

Mr. Drew asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 226 and 297.

Assembly Bill No. 226—An Act entitled "An Act to regulate commerce; to define common carriers and their powers and duties; to prohibit common carriers from being interested in certain commodities carried by themselves; to compel common carriers to provide switches and conveniences for the transfer of commodities from one line to another; to compel the convenient exchange and transfer of commodities shipped to be transferred from one line to another; to prohibit the giving of rebates, special rates, drawbacks or other discriminations to shippers and common carriers; to prohibit and prevent discrimination between persons and places; to require the furnishing of facilities for interchange of traffic; to prohibit a greater charge for a short haul than for a long haul of passengers and freight, where the discrimination or preference is to rates within this State; to prohibit the pooling of freight and division of earnings by the common carriers; to compel the filing with the State Board of Railroad Commissioners copies of all contracts or agreements between carriers; to require common carriers to expedite military traffic in time of war or of great public necessity; to require continuous carriage of freight unless a break, stoppage, or interruption is required; to prescribe liabilities and penalties of common carriers for damages, and providing for the recovery of damages, and the methods of obtaining redress in certain cases of violation of this Act; to prescribe penalties for the violation of this Act, including penalties imposed upon the carriers guilty of such violation, and also upon trustees, lessees, agents or persons acting for or employed by such carriers; to prescribe penalties for the false billing by carriers and officers or agents; also penalties for false billing by shippers and other persons; to provide penalties for inducing common carriers to discriminate unjustly; to provide for the taking of testimony in certain cases and for taking depositions in proceedings before the State Board of Railroad Commissioners, and the methods for taking such depositions; to provide for the regulation and allowance to be made by the State Board of Railroad Commissioners where transportation is had over more than one line of road, and the disposition and apportionment of the proceeds; to provide that proceedings brought under the provisions of this Act shall be expedited in the court and before the State Board of Railroad Commissioners; to provide penalties for false entries of accounts; to provide that carriers shall be liable to lawful holders of bills of lading for loss or damage to property; to provide that certain persons and property may be carried free or at reduced rates; to provide that the remedies herein granted are cumulative and shall not interfere with the other remedies provided by the Constitution of this State or by law.

Assembly Bill No. 297—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bills withdrawn, and ordered stricken from the file.

Mr. Lemon asked for and was granted unanimous consent to withdraw the following Assembly bills:

Assembly Bill No. 63—An Act to provide for the erection of horse barn, carriage house and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Assembly Bill No. 65—An Act to provide for the erection of an aseptic and sanitary dairy barn and to purchase and install necessary furnishings and machinery therein, at the Southern California State Hospital, and to make appropriation for the same.

Assembly Bill No. 66—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipments and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Bills withdrawn, and ordered stricken from the file.

Mr. Lemon asked for and was granted unanimous consent to withdraw file Nos. 63 and 285 from the file, they being duplicates of Nos. 66 and 290 on the file.

File Nos. 63 and 285 withdrawn, and ordered stricken from the file.

Mr. Stetson asked for and was granted unanimous consent to withdraw Assembly Bill No. 160—An Act to appropriate the sum of fifty thousand ($50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the board of directors thereof, and provide for the payment thereof, and prescribing the duties of the Controlier and the Treasurer in relation thereto.

Bill withdrawn, and ordered stricken from the file.

On motion of Mr. Stanton, Assembly Bill No. 633—An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year." approved April 1, 1897; also repealing an Act entitled "An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner," approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures

provided for and authorized by this Act," approved April 1, 1897, and all Acts or parts of Acts amendatory thereof—was recalled from the Committee on Ways and Means, withdrawn from the Assembly, and ordered stricken from the file.

On motion of Mr. Sackett, Assembly Bill No. 783—An Act to establish a State training high school near or on the grounds of the University of California at Berkeley, in the County of Alameda, and making an appropriation therefor—was recalled from the Committee on Education, withdrawn from the Assembly, and ordered stricken from the file.

Mr. Weske asked for and was granted unanimous consent to withdraw the following Assembly bills:

Assembly Bill No. 215—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Assembly Bill No. 214—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Assembly Bill No. 213—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bills withdrawn, and ordered stricken from the file.

Mr. Cogswell asked for and was granted unanimous consent to withdraw the following Assembly bills:

Assembly Bill No. 321—An Act making an appropriation of $3,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Assembly Bill No. 288—An Act making an appropriation of $32,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing additional land for the use of said school.

Assembly Bill No. 320—An Act making an appropriation of $7,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building, and furnishing and equipping the same at said school.

Bills withdrawn, and ordered stricken from the file.

Mr. Cogswell asked for and was granted unanimous consent to withdraw file No. 292 from the file, it being a duplicate of file No. 274.

File No. 292 ordered stricken from the file.

SPECIAL ORDERS.

The hour of eleven o'clock A. M. having arrived.

The special orders heretofore set for consideration at this hour were taken up as follows:

Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

SPECIAL ORDER RESET.

On motion of Mr. Wyatt, the further consideration of Assembly Bill No. 132 was made a special order for eleven o'clock A. M. of Thursday, March 7, 1907.

Assembly Bill No. 579—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885, approved March 23, 1901," by amending Sections 8 and 14 thereof, and adding a new section hereto, to be numbered and designated Section 9½.

SPECIAL ORDER RESET.

On motion of Mr. Stetson, the further consideration of Assembly Bill No. 579 was made a special order for eleven o'clock A. M. of Tuesday, March 5, 1907.

Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Motion to reconsider withdrawn.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

Mr. Bishop renewed his motion to reconsider the vote whereby Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial—was on a previous day refused passage.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Coghlan, Cornish, Cullen, Drew, Estudillo, Finney, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McConnell, McGuire, McKeon, McMullin, Pierce, Root, Sackett, Snyder, Strohl, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Whitmore, and Wilson—44.

NOES—Messrs. Butler, Cogswell, Collister, Cutten, Davis, Lucas, Lynch, Otis, Percival, Pyle, Spaulding, Stanton, Stetson, Strobridge, Weske, and Wyatt—16.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 69 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bishop, Boyle, Campbell, Coghlan, Cornish, Costar, Cullen, Estudillo, Finney, Fratessa, Hammon, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McGuire, McKeon, McMullin, Pierce, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—41.

NOES—Messrs Birdsall, Butler, Case, Chandler, Cogswell, Collister, Cutten, Davis, Held, John, Lucas, Lynch, McClellan, McConnell, Otis, Percival, Pyle, Stetson, Strobridge, Weske, and Wyatt—21.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

Mr. Cutten renewed his motion to reconsider the vote whereby Senate Bill No. 274—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose—was on a previous day refused passage.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Campbell, Collister, Cullen, Cutten, Davis, Estudillo, Finney, Fratessa, Hammon, Higgins, John, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—Messrs. Butler, Cogswell, Cornish, Held, Hewitt, Johnson of Sacramento, Jury, McConnell, Spaulding, and Wessling—10.

The question being on the passage of the bill.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Stanton moved a call of the House.

Motion carried.

Time, eleven o'clock and twenty-eight minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Baxter was brought before the bar of the House and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and forty-three minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was refused passage by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Finney, Fratessa, Hammon, Hartmann, John, Kelly, Kohlman, Lemon, Ludington, McClellan, McGuire, McKeon, McMullin, Pierce, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, and Wilson—40.

NOES—Messrs. Baxter, Chandler, Cornish, Costar, Drew, Estudillo, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Leeds, Lucas, Lynch, McConnell, O'Brien, Otis, Percival, Pyle, Snyder, Strobridge, Thompson of Los Angeles, Wyatt, and Mr. Speaker—24.

RECONSIDERATION REFUSED.

In compliance with his notice given on a previous day, Mr. O'Brien moved that the vote whereby Senate Bill No. 850—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission—was passed, be reconsidered.

The roll was called, and the Assembly refused to reconsider the same by the following vote:

AYES—Messrs. Birdsall, Chandler, Cogswell, Costar, Cutten, Davis, Drew, Fratessa, Hammon, Hewitt, John, Johnson of Sacramento, Lynch, McConnell, O'Brien, Percival, and Mr. Speaker—17.

NOES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Butler, Campbell, Coghlan, Collister, Cornish, Cullen, Estudillo, Finney, Hartmann, Held, Higgins, Jury, Kelly, Leeds, Lemon, Ludington, McClellan, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, and Wyatt—41.

Bill ordered transmitted to the Senate.

Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and

powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

Motion to reconsider withdrawn by consent of the Assembly.

Bill ordered transmitted to the Senate.

THIRD READING OF BILLS.

Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 924 passed by the following vote:

AYES—Messrs. Beban, Berry, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 526 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Butler, Campbell, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Snyder, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—Messrs. Estudillo, Higgins, and Spaulding—3.

Title read and approved.

Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 594 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, O'Brien, Otis, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 929—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 929 passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Forbes, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Pyle, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Held gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 526 was this day passed.

Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 890 passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Campbell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 24.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 7 of Article IX thereof, relating to boards of education.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, one thousand nine hundred and seven, and two thirds of all the members elected to each of the houses of Legislature voting in favor thereof, hereby proposes that Section 7 of Article IX of the Constitution of the State of California be amended so as to read as follows:

Section 7. The State Board of Education shall consist of the following members:

1. The Governor.
2. The Superintendent of Public Instruction.
3. A representative of the State University, selected by the president thereof.
4. A representative of the Leland Stanford Jr. University, selected by the president thereof.
5. A representative of the State normal schools, selected by the presidents thereof.
6. A practical business man, not directly connected with any school, selected by the Governor.

7. A representative of the rural schools, selected by the county superintendents at the Superintendents' Biennial Convention.

8. A representative of the city schools, selected by the city superintendents at the Superintendents' Biennial Convention.

9. A representative of the polytechnic schools, selected by the principals of the polytechnic high schools receiving State aid.

The State Board of Education shall compile or adopt a uniform system of text-books for use in the common schools throughout the State; and shall perform such other duties as may be prescribed by law. The Legislature shall provide for the printing and publishing of such text-books, when adopted, by the Superintendent of State Printing at the State Printing Office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text-books so adopted shall continue in use not less than four years. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have exclusive control of the examination of teachers, and the granting of teachers' certificates within their respective jurisdictions.

During reading of Assembly Constitutional Amendment, the following amendment was submitted by the committee:

Amend by striking out the word "common" after the word "the" on line 28, second page, printed bill, and inserting in lieu thereof the following: "day and evening elementary."

Amendment adopted.

Assembly Constitutional Amendment No. 24, as amended, read.

The question being on the adoption of Assembly Constitutional Amendment No. 24, as amended.

The roll was called, and Assembly Constitutional Amendment No. 24 as amended, adopted by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—60.

NOES—None.

Assembly Constitutional Amendment No. 24 ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. O'Brien asked for and was granted unanimous consent to withdraw Assembly Bill No. 597—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts—it being identical with Senate Bill No. 578, now in this House.

Assembly Bill No. 597 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

During third reading of the bill, Mr. O'Brien moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend page 3, Section 2 of said bill by striking out lines 8 and 9 thereof, and all of line 10 down to the word "until," where it appears in said bill, and by inserting in lieu thereof the following: "the Governor shall appoint seven trustees, who shall hold office for four years, or"

Also: Amend page 3, Section 2, by striking out lines 17 to 21, inclusive, and inserting in lieu thereof the following: "*Provided, also*, that the office of said district shall be in the City of Sacramento, and the board of supervisors of Sacramento County shall have jurisdiction in all matters concerning said district, excepting that the board of supervisors of Sutter County shall appoint the commissioners to assess the lands in said district in the manner provided by law. All funds of said district shall be deposited in the county treasury of Sacramento County, and shall be disbursed by the treasurer of said county in payment of the warrants of said district."

Motion carried.

The Speaker appointed Mr. O'Brien as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 578, with instructions, do now report that the instructions of the Assembly have been carried out.

O'BRIEN, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to print and on file for passage.

Assembly Bill No. 423—An Act to amend Section 2653 of the Political Code, relating to property highway tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 423 refused passage by the following vote:

AYES—Messrs. Berry, Bishop, Finney, Hewitt, Higgins, Johnson of Sacramento, McKeon, O'Brien, Otis, and Sackett—10.

NOES—Messrs. Beban, Birdsall, Boyle, Butler, Campbell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Hartmann, Held, John, Jury, Kelly, Kohlman, Leeds, Lucas, Lynch, McClellan, McConnell, McMullin, Percival, Pyle, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—39.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read (unanimous consent having been obtained for their reception):

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 411—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Also: Assembly Bill No. 653—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Also: Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers and documents in the office of the Surveyor-General, and making an appropriation therefor.

Also: Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals and to provide revenue therefrom, for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Also: Senate Bill No. 535—An Act to provide for the erection and equipment of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Also: Senate Bill No. 644—An Act to appropriate $2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and authorizing the trustees of said school to construct said retaining walls and fences.

Also: Senate Bill No. 743—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Alaska-Yukon Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one ($1,621.00) dollars to repay the Regents of the University of California for moneys appropriated by them to rebuild the barn of the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 892—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California; to pay for janitor service for said court, and to provide for the maintenance of a law library for said court; also, to pay for furnishing and equipping the chambers, courtroom, clerk's and stenographer's rooms and the library.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they pass as amended.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit its report for the two weeks ending March 4, 1907:

Bills have been referred to this committee as follows:

Feb. 11,	Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles	$30,000 00
Feb. 11,	Assembly Bill No. 651—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, providing for a parole officer, his compensation and traveling expenses	5,000 00
Feb. 11,	Assembly Bill No. 666—An Act to appropriate $4,000 for the paving and improvement of the street fronting the grounds of the State Normal School at Los Angeles	4,000 00
Feb. 11,	Assembly Bill No. 667—An Act to appropriate $2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles	2,500 00
Feb. 12,	Assembly Bill No. 633—An Act to create for the State of California a Department of Engineering, to provide for the appointment of officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés	10,000 00
Feb. 12,	Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings	1,899 33
Feb. 12,	Assembly Bill No. 712—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco	1,500 00
Feb. 12,	Assembly Bill No. 714—An Act to appropriate $2,500 for the construction of retaining walls and fences on the boundary line of the site of the State Normal School at Los Angeles	2,500 00
Feb. 12,	Assembly Bill No. 715—An Act making an appropriation of $4,000 to be expended by the Trustees of the State Normal School at Los Angeles for any assessments levied by the City of Los Angeles on the land of the State Normal School	4,000 00

Feb. 12, Assembly Bill No. 748—An Act making an appropriation of $2,900 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue in Berkeley $2,900 00

Feb. 13, Assembly Bill No. 1—An Act creating a board, to be known as the Board of Pardons, Paroles and Relief, whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime, and been discharged by reason of completion of term of imprisonment or other lawful termination thereof 22,000 00

Feb. 13, Assembly Bill No. 80—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.... 12,000 00

Feb. 13, Assembly Bill No. 166—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry..... 5,000 00

Feb. 13, Assembly Bill No. 168—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry..... 5,000 00

Feb. 13, Assembly Bill No. 169—Identical with Senate Bill No. 107.

Feb. 13, Assembly Bill No. 170—An Act appropriating money for the construction and equipment of a cold storage plant at the Preston School of Industry..... 2,500 00

Feb. 13, Assembly Bill No. 171—Identical with Senate Bill No. 54.

Feb. 13, Assembly Bill No. 172—An Act appropriating money for the equipment of the Trades Building at the Preston School of Industry 5,000 00

Feb. 13, Assembly Bill No. 336—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip for the accommodation and treatment of patients, buildings destroyed April 18, 1906..... 800,000 00

Feb. 13, Assembly Bill No. 642—An Act to provide for the government and management of schools for the discipline, education, reformation, and protection of juvenile delinquents in the State of California.

Feb. 13, Assembly Bill No. 776—An Act authorizing the State Surveyor-General to furnish his office and vault therein and making an appropriation therefor..... 10,000 00

Feb. 13, Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor Geo. C. Pardee by the State Board of Examiners..... 500 00

Feb. 13, Assembly Bill No. 786—An Act to amend the Political Code by adding thereto a new section to be numbered 419*a*..... 2,400 00

Feb. 13, Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry..... 5,000 00

Feb. 13, Senate Bill No. 27—Identical with Assembly Bill No. 82.

Feb. 13, Senate Bill No. 29—An Act for preventing the manufacture, sale or transportation of adulterated or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs..... 20,000 00

Feb. 13, Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system of the Preston School of Industry..... 10,000 00

Feb. 13, Senate Bill No. 60—Identical with Assembly Bill No. 43.

Feb. 13, Senate Bill No. 106—Identical with Assembly Bill No. 168.

Feb. 13, Senate Bill No. 107—An Act appropriating money for the purchase of books for the library of the Preston School of Industry 500 00

Feb. 13, Senate Bill No. 114—Identical with Assembly Bill No. 172.

Feb. 13, Senate Bill No. 115—Identical with Assembly Bill No. 170.

Feb. 13, Senate Bill No. 260—Identical with Assembly Bill No. 254.

Feb. 13, Senate Bill No. 291—Identical with Assembly Bill No. 337.

Feb. 13, Senate Bill No. 292—Identical with Assembly Bill No. 338.

Feb. 13, Senate Bill No. 519—Identical with Assembly Bill No. 468.

Feb. 13, Senate Bill No. 517—Identical with Assembly Bill No. 470.

Feb. 13, Senate Bill No. 500—Identical with Assembly Bill No. 529.

Feb. 13, Senate Bill No. 456—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children..... 3,000 00

Feb. 14, Senate Bill No. 193—Identical with Assembly Bill No. 158.

Feb. 14, Senate Bill No. 194—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka on Humboldt Bay.

Feb. 14, Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, and for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, etc.

Feb. 14, Senate Bill No. 608—An Act making an appropriation for the furnishing of meals, lodging, transportation, medicines and other necessaries of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors in securing employment for ex-convicts..... $5,000 00

Feb. 14, Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof..... 3,000 00

Feb. 14, Assembly Bill No. 443—An Act to amend Sections 8 and 15 of an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers" 1,200 00

Feb. 14, Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California..... 3,500 00

Feb. 14, Assembly Bill No. 230—An Act making an appropriation of $1,000 to pay the claim of Edward W. Lehner..... 1,000 00

Feb. 14, Assembly Bill No. 321—An Act making an appropriation to be used by the Board of Trustees of the Whittier State School for the purpose of erecting at said school a building for manual training..... 3,500 00

Feb. 14, Assembly Bill No. 786—An Act to amend the Political Code by adding thereto a new section to be numbered 419*a*.

Feb. 14, Assembly Bill No. 783—An Act to establish a State Training High School near or on the grounds of the University of California at Berkeley..... 60,000 00

Feb. 15, Assembly Bill No. 823—An Act for preventing the manufacture and sale of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein..... 20,000 00

Feb. 15, Assembly Bill No. 796—An Act to provide for the improvement of the cereal crops of California..... 10,000 00

Feb. 15, Assembly Bill No. 2—An Act to pay the claim of H. M. Sitton, and to make an appropriation therefor..... 1,856 78

Feb. 15, Assembly Bill No. 710—An Act to provide for the establishment, maintenance, and control of a sanitarium for the treatment of curable cases of tuberculosis..... 150,000 00

Feb. 15, Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, relating to furnishing a series of school text-books published in this State 10,000 00

Feb. 15, Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children.

Feb. 15, Assembly Bill No. 810—An Act to provide for the purchase of the building and site of the old Mission Dolores at San Francisco 50,000 00

Feb. 15, Assembly Bill No. 815—An Act to make an appropriation to straighten and confine the channel of the Salinas River, and protect the banks thereof from erosion..... 50,000 00

Feb. 15, Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State offices, boards, commissions, schools, and other State institutions..... 11,900 00

Feb. 15, Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means to prevent the spread of tuberculosis..... 2,000 00

Feb. 15, Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon Pacific Exposition to be held in the City of Seattle, Washington..... 100,000 00

Feb. 16, Assembly Bill No. 793—An Act creating a contingent fund for the use of the State Prison at San Quentin, to be expended for the purchase of machinery and equipment, to replace machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, etc..... $10,000 00

Feb. 16, Senate Bill No. 57—An Act appropriating money to pay expenses for the proper representation of the State of California, and of an exhibit of the products thereof at the proposed International or World's Fair Exposition to be held in the City of San Francisco in 1913..... 1,000,000 00

Feb. 16, Senate Bill No. 153—An Act making an appropriation to pay the claim of Solinsky & Wehe..... 2,000 00

Feb. 16, Senate Bill No. 188—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children..... 75,000 00

Feb. 16, Senate Bill No. 189—An Act authorizing and directing the constructing and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children..... 20,000 00

Feb. 16, Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the care and training of Feeble-Minded Children..... 5,000 00

Feb. 16, Senate Bill No. 223—An Act appropriating money to pay the claim of H. S. G. McCartney..... 2,500 00

Feb. 16, Senate Bill No. 224—An Act appropriating money to pay the claim of M. L. Ward..... 2,500 00

Feb. 16, Senate Bill No. 225—An Act appropriating money to pay the claim of E. F. Treadwell..... 2,500 00

Feb. 16, Senate Bill No. 226—An Act appropriating money to pay the claim of J. B. Curtin..... 2,500 00

Feb. 16, Senate Bill No. 275—Identical with Assembly Bill No. 27.

Feb. 16, Senate Bill No. 609—Identical with Assembly Bill No. 793.

Feb. 16, Senate Bill No. 610—Identical with Assembly Bill No. 762.

Feb. 16, Senate Bill No. 611—An Act providing for the maintenance of a residence for the Governor of the State of California, and providing the salaries of the necessary employés, and servants..... 6,700 00

Feb. 16, Senate Bill No. 14—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry..... 5,000 00

Feb. 16, Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry..... 10,000 00

Feb. 16, Senate Bill No. 453—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year, to pay the expenses of the Supreme Court under Section 47..... 5,000 00

Feb. 16, Senate Bill No. 645—An Act making an appropriation to be expended by the Trustees of the State Normal School at Los Angeles, for any assessments levied by the city.

Feb. 16, Senate Bill No. 654—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children."

Feb. 16, Assembly Bill No. 762—An Act containing a contingent fund for the use of the State Prison at Folsom..... 10,000 00

Feb. 16, Assembly Bill No. 763—An Act making an appropriation, etc. Identical with Senate Bill No. 627.

Feb. 16, Assembly Bill No. 160—An Act to appropriate money for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California..... 50,000 00

Feb. 18, Assembly Bill No. 213—Identical with Senate Bill No. 188.

Feb. 18, Assembly Bill No. 214—Identical with Senate Bill No. 189.

Feb. 18, Assembly Bill No. 215—Identical with Senate Bill No. 190.

Feb. 18, Assembly Bill No. 380—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a home telephone system..... 4,000 00

Feb. 18, Assembly Bill No. 381—An Act authorizing and directing the completion of the dam and storage reservoir at the Napa State Hospital, and laying a pipe line from said reservoir.. 63,000 00

Feb. 18, Assembly Bill No. 382—An Act authorizing and directing the remodeling and furnishing of the main kitchen of the Napa State Hospital..... 10,000 00

Feb. 18,	Assembly Bill No. 475—An Act to provide for the re-appropriation of money for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children	$3,000 00
Feb. 18,	Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital	30,000 00
Feb. 18,	Assembly Bill No. 845—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital	18,000 00
Feb. 18,	Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital	5,000 00
Feb. 18,	Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital	6,000 00
Feb. 18,	Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients of the Mendocino State Hospital	5,000 00
Feb. 18,	Assembly Bill No. 58—An Act to provide for the joint investigation with the Federal Government of the water resources of the State	68,000 00
Feb. 19,	Assembly Bill No. 872—An Act to create a fund, to be known as the United States Forestry Service Fund, and to provide for the payment of such fund to the treasurers of the several counties.	
Feb. 19,	Assembly Bill No. 873—An Act to accept from E. P. Winslow Post No. 79, Grand Army of the Republic, the conveyance of and to vest the title in the State of California of the improvements, buildings, and furnishings therein and thereon, at La Tour Soda Springs, and appropriating the sum of $3,000 for the purpose of purchasing ten acres or more of land	3,000 00
Feb. 19,	Assembly Bill No. 880—An Act making an appropriation to repay to Thomas Bair moneys paid by him into the county treasury of Humboldt County	708 00
Feb. 19,	Assembly Bill No. 881—An Act appropriating $4,500 to pay the claim of J. B. Lauck	4,500 00
Feb. 19,	Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same at the Whittier State School	3,907 50
Feb. 19,	Assembly Bill No. 892—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal	8,200 00
Feb. 20,	Assembly Bill No. 376—An Act providing for the building of cottages for guards of the State Prison at San Quentin	25,000 00
Feb. 20,	Assembly Bill No. 653—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau."	
Feb. 20,	Assembly Bill No. 654—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau."	
Feb. 20,	Senate Bill No. 535—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital	35,000 00
Feb. 20,	Senate Bill No. 644—Identical with Assembly Bill No. 667.	
Feb. 20,	Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, of a building to be used as the receiving ward, and for the treatment of acute cases by hydrotherapy and electricity	78,000 00
Feb. 20,	Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house and implement shed at the Southern California State Hospital	2,500 00
Feb. 20,	Assembly Bill No. 312—An Act appropriating money to aid in the construction of an agricultural building to be erected by the regents of the University of California	250,000 00
Feb. 20,	Senate Bill No. 697—Identical with Assembly Bill No. 644.	
Feb. 21,	Assembly Bill No. 203—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River	5,000 00
Feb. 21,	Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California	14,597 39
Feb. 21,	Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder	740 00
Feb. 21,	Assembly Bill No. 826—An Act making an appropriation to pay the claim of Victor Heck	5,000 00

Feb. 21, Senate Bill No. 185—Identical with Assembly Bill No. 235.
Feb. 21, Senate Bill No. 232—Identical with Assembly Bill No. 294.
Feb. 21, Senate Bill No. 234—Identical with Assembly Bill No. 295.
Feb. 21, Senate Bill No. 398—Identical with Assembly Bill No. 381.
Feb. 21, Senate Bill No. 545—An Act to provide for the acquisition, equipment, and use of a railroad car for the purpose of distributing live fish and stocking the waters of this State with live fish..... $7,500 00
Feb. 21, Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California, and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906..... 395,500 00
Feb. 21, Senate Bill No. 707—Identical with Assembly Bill No. 881.
Feb. 21, Senate Bill No. 65—An Act to provide for the erection, equipping and furnishing of two receiving cottages at the Southern California State Hospital..... 43,000 00
Feb. 21, Assembly Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration..... 500 00
Feb. 21, Senate Bill No. 590—Identical with Assembly Bill No. 635.
Feb. 21, Assembly Bill No. 925—An Act to authorize and empower the Board of Directors of the Veterans' Home of California to purchase a certain tract of land in Napa County..... 8,000 00
Feb. 21, Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building at the Southern California State Hospital..... 12,000 00
Feb. 21, Assembly Bill No. 903—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor.
Feb. 25, Assembly Bill No. 975—General appropriation..... 8,133,689 00
Feb. 25, Assembly Bill No. 683—An Act to pay the claim of C. S. MacMullan..... 7.203 24
Feb. 25, Assembly Bill No. 687—An Act to pay the claim of Herman Steinman..... 3,357 50
Feb. 25, Assembly Bill No. 789—An Act making appropriation to pay the claim of F. A. Cromwell..... 228 35
Feb. 25, Assembly Bill No. 940—An Act to encourage enlistment of Californians in the regular army, navy, and marine corps of the United States..... 5,000 00
Feb. 25, Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy..... 300 00
Feb. 25, Assembly Bill No. 972—An Act appropriating money to pay expenses of improving Agricultural Park in the City of Los Angeles, and to erect a building or buildings on said Agricultural Park property..... 200,000 00
Feb. 25, Assembly Bill No. 976—An Act to provide for the re-forestation, the cutting of fire lanes, and fire trails on the San Bernardino Forest Reserve..... 5,000 00
Feb. 25, Assembly Bill No. 987—An Act making appropriation for the erection of a monument to the memory of the Hon. John J. Burke, deceased..... 500 00
Feb. 26, Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called Sacramento Drainage District, to promote drainage therein"..... 25,000 00
Feb. 28, Assembly Bill No. 906—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County..... 25,000 00
Feb. 28, Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a titled basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco..... 1,000 00
Feb. 28, Senate Bill No. 815—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco.
Mar. 1, Assembly Bill No. 995—Identical with Senate Bill No. 869.
Mar. 1, Assembly Bill No. 996—Identical with Senate Bill No. 870.
Mar. 1, Assembly Bill No. 998—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County..... 5,000 00

Mar. 1, Assembly Bill No. 1010—An Act making an appropriation, to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol..... $20,000 00
Mar. 1, Assembly Bill No. 1011—An Act to amend Section 386 of the Political Code, relating to salary of Executive Secretary of the Governor..... 1,200 00
Mar. 1, Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers, and documents in the office of the Surveyor-General..... 4,000 00
Mar. 1, Senate Bill No. 499—An Act making appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity Rivers to Hoopa Valley, Humboldt County..... 12,000 00
Mar. 1, Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President Wm. McKinley 2,000 00
Mar. 1, Senate Bill No. 743—Identical with Assembly Bill No. 838.
Mar. 1, Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping 100,000 00
Mar. 1, Senate Bill No. 870—An Act to provide for the construction and repair by the Board of State Harbor Commissioners of wharves, piers, bulkheads, sheds, streets and seawall.... 250,000 00
Mar. 1, Senate Bill No. 869—An Act to provide for the loan from the School Land Fund to the State of California of the sum of $250,000; providing for the transfer of said amount from the School Land Fund to the General Fund, and for the re-payment of said amount with interest thereon.
Mar. 2, Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands 30 00
Mar. 2, Senate Bill No. 831—Identical with Assembly Bill No. 906.
Mar. 2, Senate Bill No. 864—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital 18,000 00

$12,562,017 09

Bills Reported Favorably.

Feb. 11, Assembly Bill No. 614..... $12,000 00
Feb. 11, Senate Bill No. 363.....
Feb. 21, Assembly Bill No. 644..... 4,000 00
Feb. 12, Assembly Bill No. 27..... 25,000 00
Feb. 12, Assembly Bill No. 153..... 12,000 00
Feb. 12, Assembly Bill No. 154..... 15,000 00
Feb. 12, Assembly Bill No. 155..... 9,100 00
Feb. 12, Assembly Bill No. 64..... 15,000 00
Feb. 12, Senate Bill No. 10..... 7,000 00
Feb. 13, Assembly Bill No. 13..... 50,000 00
Feb. 13, Assembly Bill No. 79..... 5,000 00
Feb. 13, Assembly Bill No. 322..... 1,000 00
Feb. 13, Assembly Bill No. 140..... 7,000 00
Feb. 13, Assembly Bill No. 144..... 5,000 00
Feb. 13, Assembly Bill No. 712..... 1,500 00
Feb. 14, Assembly Bill No. 623..... 250 00
Feb. 14, Assembly Bill No. 624..... 500 00
Feb. 14, Senate Bill No. 14..... 5,000 00
Feb. 14, Senate Bill No. 54..... 10,000 00
Feb. 14, Senate Bill No. 106..... 2,500 00
Feb. 14, Senate Bill No. 107..... 500 00
Feb. 14, Senate Bill No. 519..... 1,500 00
Feb. 14, Senate Bill No. 517..... 600 00
Feb. 14, Assembly Bill No. 417..... 5,000 00
Feb. 14, Assembly Bill No. 428..... 12,000 00
Feb. 14, Assembly Bill No. 486..... 5,000 00
Feb. 14, Assembly Bill No. 390..... 1,000 00
Feb. 15, Assembly Bill No. 560..... 50,000 00
Feb. 15, Senate Bill No. 456..... 3,000 00
Feb. 15, Senate Bill No. 193.....
Feb. 15, Senate Bill No. 194.....
Feb. 15, Assembly Bill No. 626..... 500 00
Feb. 15, Assembly Bill No. 638..... 1,200 00
Feb. 15, Assembly Bill No. 531..... 20,000 00
Feb. 15, Assembly Bill No. 336..... 800,000 00

Feb. 15, Assembly Bill No. 786	$2,400 00
Feb. 15, Senate Bill No. 29	20,000 00
Feb. 15, Senate Bill No. 500	
Feb. 15, Assembly Bill No. 786	
Feb. 18, Senate Bill No. 5	100,000 00
Feb. 19, Senate Bill No. 364	13,500 00
Feb. 19, Assembly Bill No. 798	30,000 00
Feb. 19, Assembly Bill No. 846	2,500 00
Feb. 19, Assembly Bill No. 847	6,000 00
Feb. 19, Assembly Bill No. 850	5,000 00
Feb. 20, Assembly Bill No. 458	5,000 00
Feb. 20, Senate Bill No. 229	50,000 00
Feb. 20, Senate Bill No. 115	2,500 00
Feb. 20, Senate Bill No. 153	2,000 00
Feb. 20, Senate Bill No. 223	2,500 00
Feb. 20, Senate Bill No. 224	2,500 00
Feb. 20, Senate Bill No. 225	2,500 00
Feb. 20, Senate Bill No. 226	2,500 00
Feb. 20, Senate Bill No. 611	6,700 00
Feb. 20, Senate Bill No. 54	7,500 00
Feb. 20, Assembly Bill No. 381	40,000 00
Feb. 20, Senate Bill No. 58	68,000 00
Feb. 21, Assembly Bill No. 414	7,000 00
Feb. 21, Assembly Bill No. 145	10,000 00
Feb. 21, Senate Bill No. 222	5,000 00
Feb. 21, Assembly Bill No. 697	1,899 33
Feb. 21, Assembly Bill No. 748	2,900 00
Feb. 21, Assembly Bill No. 779	500 00
Feb. 21, Assembly Bill No. 230	1,000 00
Feb. 21, Assembly Bill No. 825	11,000 00
Feb. 21, Assembly Bill No. 838	100,000 00
Feb. 21, Senate Bill No. 645	4,000 00
Feb. 21, Senate Bill No. 590	10,000 00
Feb. 21, Assembly Bill No. 931	12,000 00
Feb. 22, Assembly Bill No. 517	15,000 00
Feb. 22, Senate Bill No. 66	15,000 00
Feb. 22, Senate Bill No. 67	25,000 00
Feb. 22, Senate Bill No. 92	39,000 00
Feb. 22, Assembly Bill No. 651	5,000 00
Feb. 22, Assembly Bill No. 796	10,000 00
Feb. 26, Assembly Bill No. 51	5,000 00
Feb. 26, Assembly Bill No. 53	2,500 00
Feb. 26, Assembly Bill No. 54	24,000 00
Feb. 26, Assembly Bill No. 55	5,500 00
Feb. 26, Assembly Bill No. 58	8,000 00
Feb. 26, Senate Bill No. 35	75,000 00
Feb. 26, Senate Bill No. 57	1,000,000 00
Feb. 26, Senate Bill No. 188	75,000 00
Feb. 26, Senate Bill No. 189	20,000 00
Feb. 26, Senate Bill No. 190	5,000 00
Feb. 26, Senate Bill No. 662	55,000 00
Feb. 26, Assembly Bill No. 687	
Feb. 26, Assembly Bill No. 789	228 35
Feb. 26, Senate Bill No. 976	5,000 00
Feb. 26, Senate Bill No. 987	500 00
Feb. 28, Senate Bill No. 260	101,314 00
Feb. 28, Assembly Bill No. 499	1,500 00
Feb. 28, Senate Bill No. 281	3,000 00
Feb. 28, Senate Bill No. 114	3,000 00
Feb. 28, Assembly Bill No. 16	3,500 00
Feb. 28, Assembly Bill No. 826	2,000 00
Feb. 28, Assembly Bill No. 828	740 00
Feb. 28, Senate Bill No. 924	300 00
Mar. 1, Assembly Bill No. 881	4,500 00
Mar. 1, Assembly Bill No. 890	3,907 50
Mar. 1, Assembly Bill No. 836	5,000 00
Mar. 1, Senate Bill No. 65	43,000 00
Mar. 1, Senate Bill No. 813	
Mar. 1, Senate Bill No. 390	25,000 00
Mar. 1, Senate Bill No. 812	1,000 00
Mar. 1, Assembly Bill No. 1010	20,000 00
Mar. 1, Assembly Bill No. 1011	1,200 00
Mar. 1, Senate Bill No. 870	250,000 00
Mar. 1, Senate Bill No. 869	
Mar. 1, Assembly Bill No. 143	40,000 00
	$3,518,339 18

Bills Reported Unfavorably.

Feb. 9, Assembly Bill No. 8	$150,000 00
Feb. 12, Assembly Bill No. 63	5,000 00
Feb. 12, Assembly Bill No. 65	12,000 00
Feb. 13, Assembly Bill No. 320	7,500 00
Feb. 13, Assembly Bill No. 321	3,500 00
Feb. 14, Assembly Bill No. 539	9,115 00
Feb. 15, Senate Bill No. 608	5,000 00
Feb. 18, Assembly Bill No. 1	22,000 00
Feb. 19, Assembly Bill No. 376	25,000 00
Feb. 19, Assembly Bill No. 380	4,000 00
Feb. 19, Assembly Bill No. 845	18,000 00
Feb. 20, Assembly Bill No. 396	100,000 00
Feb. 20, Assembly Bill No. 397	600 00
Feb. 20, Assembly Bill No. 359	10,000 00
Feb. 20, Assembly Bill No. 382	10,000 00
Feb. 26, Assembly Bill No. 687	3,357 50
Mar. 1, Assembly Bill No. 525	8,000 00
Mar. 1, Assembly Bill No. 807	10,000 00
Mar. 1, Senate Bill No. 341	8,000 00
Mar. 1, Assembly Bill No. 873	3,000 00
	$414,072 50

Total amount of appropriations referred to this committee to date		$15,743,672 49
Bills reported favorably	$12,161,708 58	
Bills reported unfavorably	524,472 50	
Bills without recommendation	39,597 39	
Bills withdrawn	24,000 00	
Reduction in appropriation	365,275 00	
		$13,163,850 97
Leaving balance in hand of committee		$2,579,821 52

Respectfully submitted.

ESTUDILLO, Chairman.

The report of the Committee on Ways and Means ordered printed in the Journal.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

SPECIAL ORDERS.

The hour of two o'clock P. M. having arrived.

The special orders heretofore set for consideration at this hour were taken up, as follows:

Senate Bill No. 540—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.

Motion to reconsider withdrawn.

Bill ordered transmitted to the Senate.

Senate Bill No. 30—An Act for the prevention of manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 finally passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Forbes, Hammon, Hartmann, Held, Higgins, Johnson of Sacramento, Kelly, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 452—An Act to amend Sections 626 and 626*d* of the Penal Code of the State of California, relating to fish and game.

Assembly Bill No. 898—An Act creating a Public Relief Commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for a secretary and prescribing his powers and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure where any person, firm, association, corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe and unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of the commissioners, and repealing all Acts and parts of Acts in conflict herewith.

Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 749—An Act to amend an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employés of State institutions," approved March 19, 1903.

Assembly Bill No. 939—An Act to amend Chapter I, of Title V, of Part III of the Political Code, providing for the care of insane, feeble-minded and other incompetent persons, and management of State hospitals, and establishing a board of lunacy commission.

Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

Assembly Bill No. 1022—An Act to amend an Act entitled "An Act to amend Section 163 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and amended March 23, 1901," approved March 20, 1905, relating to county and township officers of counties of the sixth class.

Assembly Bill No. 1023—An Act to amend Section 208 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing

certain other sections, and adding certain sections thereto," approved March 20, 1905, relating to the salaries and fees of county and township officers in counties of the fifty-first class.

Assembly Bill No. 386—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting and trespassing upon enclosed, cultivated and other private lands.

Assembly Bill No. 993—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified, so that all of them shall not go out of office at the same time.

Assembly Bill No. 900—An Act to amend Section 58 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the election of county and township officers and their terms of office.

Assembly Bill No. 983—An Act affecting the duties of county auditors throughout the State of California.

Assembly Bill No. 849—An Act to amend Section 18 of the Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, the Act known as "The County Government Act."

Assembly Bill No. 717—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 213 thereof, relating to counties of the fifty-sixth class.

Assembly Bill No. 595—An Act to amend Section 198 of the Code of Civil Procedure of the State of California, relative to competency of jurors.

Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Assembly Bill No. 504—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 1 thereof, and by adding a new section, to be known as Section 18*a*.

Assembly Bill No. 969—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as Section 9*a*, relating to appointment of poundkeepers outside of incorporated cities.

Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies and the jurisdiction over and control of the same.

Assembly Bill No. 881—An Act appropriating $4,500 to pay the claim of J. B. Lauck.

Assembly Bill No. 938—An Act to amend Section 1578 of the Code of Civil Procedure, relating to proceedings to obtain an order for the mortgage of real property by the administrator of any estate or the guardian of any minor or incompetent person.

Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said courts and to fix the compensation of certain officers thereof," approved March 21, 1905.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or ballot machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 51 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle,

Root, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or ballot machines, defining their power, and providing for the use at the option of the indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county, or city and county, or city or town, at any or all elections held therein, and for ascertaining the result of said elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 646 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lynch, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Smyth, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Speaker pro tem. Transue in the chair.

Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 550 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Bush, Butler, Coghlan, Costar, Cutten, Davis, Devlin, Fratessa, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Lemon, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

NOES—Messrs. Cogswell, Collister, Cornish, Drew, Forbes, Held, Lynch, Thompson of Los Angeles, and Wessling—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Bill read third time.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, further consideration of Senate Bill No. 491 was made a special order for two o'clock P. M. of Wednesday, March 6, 1907.

Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

During third reading of the bill Mr. Butler moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out of line 18, second page, printed bill, the figures "1887," and insert in lieu thereof the figures: "1897."

Motion carried.

The Speaker appointed Mr. Butler as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 628, with instructions, do now report that the instructions of the Assembly have been carried out.

BUTLER, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 67 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Birdsall, Boyle, Bush, Campbell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Stanton, Strohl, Toomey, Transue, Walsh, Wessling, Whitmore, Wilson, and Wyatt—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 92—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 92 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Birdsall, Boyle, Bush, Campbell, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Smyth, Snyder, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Whitmore, Wilson, and Wyatt—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 66—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 66 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Boyle, Bush, Butler, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Ludington, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Smyth, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wilson, and Wyatt—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905.

SPECIAL ORDER SET.

On motion of Mr. Cornish, consideration of Senate Bill No. 367 was made a special order for two o'clock P. M. of Thursday, March 7, 1907.

Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 90 refused final passage by the following vote:

AYES—Messrs. Baxter, Bell, Birdsall, Boyle, Bush, Cogswell, Collister, Cornish, Cutten, Devlin, Drew, Estudillo, Forbes, Hammon, Held, John, Johnson of Sacramento, Ludington, McGuire, O'Brien, Percival, Pierce, Smyth, Spaulding, Stetson, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—34.

NOES—Messrs. Beban, Berry, Campbell, Coghlan, Cullen, Finney, Hartmann, Higgins, Kelly, Kohlman, Leeds, Lemon, McKeon, McMullin, Stanton, Strohl, Strobridge, and Wessling—18.

NOTICE OF MOTION TO RECONSIDER.

Mr. Leeds gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 90 was this day refused passage.

Senate Bill No. 112—An Act to amend Section 496 of the Penal Code, relating to the buying and receiving of stolen property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 112 finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, McKeon, O'Brien, Percival, Pierce, Smyth, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—44.

NOES—Messrs. Beban, Boyle, Cullen, Forbes, Fratessa, Hartmann, Kelly, McConnell, and Otis—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 168—An Act to amend Section 718 of the Civil Code, relating to leases of town and city lots.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Stanton moved a call of the House.

Motion carried.

Time, three o'clock and fifteen minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Root, Smyth, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—56.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Stanton.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Cogswell, Coghlan, Collister, Cornish, Cullen, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McKeon, McMullin, Otis, Percival, Pierce, Root, Spaulding, Stanton, Stetson, Strohl, Transue, Walsh, Wilson, and Mr. Speaker—45.

NOES—Messrs. Bush, Campbell, Costar, Cutten, Davis, Johnson of Sacramento, Lucas, McConnell, O'Brien, Smyth, Strobridge, Thompson of Los Angeles, Weske, Whitmore, and Wyatt—15.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 658—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Bush, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Hammon, Hartmann, Held, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Pierce, Root, Smyth, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Wilson, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1 and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles.

Assembly Bill No. 979—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendments thereof approved March 23, 1901, and the amendments thereof approved March 20, 1905, by amending Section 196 thereof, relating to the salaries and fees of county and township officers in counties of the thirty-ninth class.

Assembly Bill No. 832—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Assembly Bill No. 698—An Act to regulate exits for the safety of persons in buildings used for public assemblages.

Also: Beg leave to report that the following Assembly bill has been correctly reëngrossed, viz:

Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to keeping, residing in, and letting disorderly houses and inns, houses of public resort, rooms, apartments, and tenements, and houses of prostitution.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Assembly Bill No. 928 ordered on file for passage.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 564 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Root, Snyder, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Mr. Hartmann—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Speaker Beardslee in the chair.

Mr. Hartmann asked for and was granted permission to be recorded as having voted aye on Senate Bill No. 564.

Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 569 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacra-

mento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Root, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Assembly Concurrent Resolution No. 19—Relative to adjournment *sine die*.

On motion of Mr. Coghlan, the further consideration of Assembly Concurrent Resolution No. 19 was made a special order for three o'clock and thirty minutes P. M. of Tuesday, March 5, 1907.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 770—An Act to amend Section 987 of the Penal Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Johnson of Sacramento moved a call of the House.

Motion carried.

Time, four o'clock and fifteen minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—63.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and eighteen minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Johnson of Sacramento.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Beban, Bell, Bishop, Boyle, Butler, Coghlan, Collister, Cornish, Cullen, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, O'Brien, Pierce, Pyle, Root, Smyth, Snyder, Strohl, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

NOES—Messrs. Baxter, Birdsall, Bush, Campbell, Chandler, Cogswell, Costar, Cutten, Davis, Devlin, Drew, Hewitt, Higgins, Leeds, McKeon, Otis, Percival, Spaulding, Stanton, Stetson, Strobridge, and Thompson of Los Angeles—22.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

By Mr. Baxter: Assembly Bill No. 1031—An Act to amend Section 206 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905.

By Mr. Transue (by request): Assembly Bill No. 1033—An Act providing the conditions upon which maps outlining the subdivisions of tracts or lots of land for residence, or other purposes, shall be recorded in the office of the county recorder.

By Mr. Whitmore: Assembly Concurrent Resolution No. 24—Creating a special legislative committee to inspect sites for State rifle ranges.

By Mr. Estudillo: Assembly Concurrent Resolution No. 23—Approving the charter of the City of Riverside, California.

By Mr. Coghlan: Assembly Bill No. 1032—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

STANTON, Chairman.

The question being put, "Shall the constitutional provision relating to the introduction of bills be suspended?"

The roll was called, and the following bills were allowed to be introduced by the following vote:

AYES—Messrs Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetsen, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—64.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Baxter: Assembly Bill No. 1031—An Act to amend Section 206 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905.

Read first time, and referred to Committee on County and Township Governments.

By Mr. Coghlan: Assembly Bill No. 1032—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

Read first time, and referred to Committee on Federal Relations.

By Mr. Transue: Assembly Bill No. 1033—An Act providing the conditions upon which maps outlining the subdivisions of tracts or lots of land for residence, or other purposes, shall be recorded in the office of the county recorder.

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Estudillo: Assembly Concurrent Resolution No. 23—Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein for the purpose of ratifying said charter, on the 1st day of March, 1907.

Assembly Concurrent Resolution placed on file without reference.

By Mr. Whitmore: Assembly Concurrent Resolution No. 24—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.

Assembly Concurrent Resolution referred to Committee on Military Affairs.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 90—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 refused passage by the following vote:

AYES—Messrs. Baxter, Bell, Butler, Cornish, Hammon, Held, Johnson of Sacramento, McConnell, Pyle, Root, Sackett, Stanton, Stetson, Transue, Wessling, and Whitmore—16.

NOES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hartmann, Higgins, John, Jury, Kelly, Kohlman Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Smyth, Snyder, Spaulding, Strobridge, Thompson of Los Angeles, Toomey, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—48.

Assembly Bill No. 556—An Act to amend the Civil Code by adding thereto a new section, to be numbered 1742, relating to contracts of conditional sale.

WITHDRAWAL OF BILL.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bill No. 556.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 809—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies, and all other infectious or contagious diseases among sheep.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 809 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—Mr. Smyth—1.

Title read and approved.

Bill ordered transmitted to the Senate.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. Walsh, Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county

road between Alturas and Cedarville, and making an appropriation therefor—was recalled from the Committee on Ways and Means and placed on file for second reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 523—An Act to add a new section to the Civil Code, to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities—have had the same under consideration, and repectfully report the same back, and recommend that it do not pass.

WALSH, Chairman.

Assembly Bill No. 523 ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 313—An Act providing for courses of study in agriculture and domestic science in high schools—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

SACKETT, Chairman.

Assembly Bill No. 313 ordered on file for second reading.

RECESS.

At five o'clock and ten minutes P. M., on motion of Mr. Johnson of Sacramento, the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

SECOND READING OF SENATE BILL.

Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and to appropriate money therefor.

Bill read second time.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 721 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 721, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

WITHDRAWAL OF BILL.

Mr. Hewitt asked for and was granted unanimous consent to withdraw Assembly Bill No. 796—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1021 passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

NOES—Messrs. Lucas and Stetson—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 822 passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Butler, Campbell, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

NOES—Messrs. Collister and Lucas—2.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 416—An Act to regulate the licensing and powers of detectives and to provide for the regulation of the business of watchman and guards in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 416 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Butler, Campbell, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 452—An Act to amend Section 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 452 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Butler, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McMullin, O'Brien, Otis, Percival, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 665 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smyth, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Wessling, Wilson, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 938—An Act to amend Section 1578 of the Code of Civil Procedure, relating to proceedings to obtain an order for the mortgage of real property by the administrator of any estate, or the guardian of any minor or incompetent person.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 938 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Collister, Cornish, Cullen, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hartmann, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Stetson, Thompson of Los Angeles, Transue, Wessling, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 897—An Act to amend Section 869 of the Penal Code, relating to the taking and authentication of testimony at preliminary examinations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 897 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 852—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 852 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Toomey, Transue, Wessling, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 955—An Act to amend Section 3680 of the Political Code of the State of California, relating to the sale of land for taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 955 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cornish, Cullen, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hartmann, Hewitt, John, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Toomey, Wessling, Wilson, Wyatt, and Mr. Speaker—42.

NOES—Messrs. Cutten, Johnson of Sacramento, Percival, Smyth, Thompson of Los Angeles, and Transue—6.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 961—An Act to repeal Section 2 of an Act entitled "An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions and photographs of convicts about to be discharged by the wardens of State prisons," approved March 27, 1897.

Bill read third time.

During third reading of the bill, Mr. Wyatt moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the word "approved," on line 5, Section 1 of the printed bill, and insert in lieu thereof the word "repealed."

Motion carried.

The Speaker appointed Mr. Wyatt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

Mr. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 961, with instructions, do now report that the instructions of the Assembly have been carried out.

WYATT, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 690—An Act in relation to fees of county recorders in recording documents or writings for water users' associations, incorporated in conformity with the direction of the United States under the Act of Congress, approved June 17, 1902, and relating to the use of printed matter or blanks by such recorders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 690 passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lucas, Ludington, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Transue, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals, and excavations to the United States over the public lands of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 692 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Ludington, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Transue, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gifts or condemnation, and for extending, straightening, locating, improving and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters, in said channels and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 991 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Bishop, Boyle, Bush, Butler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Spaulding, Stetson, Thompson of Los Angeles, Transue, Wessling, Wilson, Wyatt, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 988—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674*a*, relating to contracts involving carriers of newspapers and newspaper carriers' business.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 988 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Toomey, Transue, Wilson, Wyatt, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1027—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penaltes for the violation hereof," approved February 20, 1905.

Bill read third time, and passed on file for further consideration.

Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 826 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Thompson of Los Angeles, Toomey, Transue, Wessling, Wilson, Wyatt, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Cogswell asked for and was granted unanimous consent to withdraw Assembly Bill No. 871—An Act to provide for the formation,

organization, and classification of new counties, for locating county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties—it being identical with Senate Bill No. 11 now in this House.

Assembly Bill No. 871 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles.

During third reading of the bill, Mr. Bell moved that the Speaker appoint a select committee of one to amend the bill as follows:

By striking out of the title, line 5 of printed bill, the word "subdivi," and in line 6 of title the words at the beginning of the line reading "sion one of" and after the word "and," on same line, the words "subdivision four of"; and on line 7 of title all of said title after the words "four thereof."

Also: By striking out of Section 2, line 8, page 2 of printed bill, the words "draft animals," and inserting in lieu thereof the following: "live stock."

Also: By striking out of Section 2, line 13, page 3 of printed bill, the words "draft animal," and inserting in lieu thereof the following: "live stock."

Also: By striking out of Section 2, line 15, page 3 of printed bill, the words "draft animal," and inserting in lieu thereof the following: "live stock."

Motion carried.

The Speaker appointed Mr. Bell as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 802, with instructions, do now report that the instructions of the Assembly have been carried out.

BELL, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1024 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Cullen, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Stetson, Strobridge, Thompson of Los Angeles, Transue, Wessling, Wilson, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1022 (Committee Substitute for Assembly Bill No. 615)—An Act to amend Section 163 of the County Government Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1022 passed by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Toomey, Transue, Walsh, Wilson, Wyatt, and Mr. Speaker—45.

NOES—Mr. Beban—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 898—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure, where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of such commissioners, and repealing all Acts and parts of Acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 898 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Cullen, Davis, Devlin, Drew, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Thompson of Los Angeles, Toomey, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—Messrs. McGuire and McKeon—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 951 passed by the following vote:

AYES—Messrs. Beban, Berry, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Devlin, Drew, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Snyder, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Walsh, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Mr. Bell—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 949—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Bill read third time, and passed on file for further consideration.

SECOND READING OF BILLS.

Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, No. 9, relating to furnishing the series of school text-books published by this State to institutions in this State conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.

Bill read second time.

Mr. Beckett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 807 considered.

Mr. Beckett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 807, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 859—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 916—An Act to amend Section 16 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemptions of property of associations in liquidation from attachments, executions,

and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 916 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 916, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 1010—An Act making an appropriation of twenty thousand dollars ($20,000), to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fire-proof, rendering all the space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 1010 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1010, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 879—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections, by eliminating all references therein to the party circle on ballots.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding at the end of Subdivision 2 of Section 1, line 41, page 2, the following: "*and provided further*, that the names of candidates for the office of electors for President and Vice-President shall be arranged in groups, as presented in the several certificates of nomination, and the voter may vote for the whole of such group by making one mark after such group."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 910—An Act to amend Section 928 of the Penal Code, relating to the powers and duties of grand juries.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 968—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1009—An Act to amend Section 827 of the Civil Code of the State of California.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal officers, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1014—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 912—An Act to amend Sections 3 and 8 of an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1011—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 1011 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1011, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 1018—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.

Bill read second time, and ordered to engrossment.

Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of $25,000 to carry out the purposes of said Act.

Bill read second time.

Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Bill read second time.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 390 and 65.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 390 and 65 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 390 and Senate Bill No. 65, and do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 760—An Act to add a new section to the Political Code, to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 767—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115*a*, requiring the county clerks and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 737—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, construction, straightening, improvement, and repair of main public highways, providing for the acceptance of donations, and for voting, issuing, and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such public highways within their corporate limits, and to issue and sell bonds therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties; for locating the county seats; for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill read second time, and ordered on second-reading file for further consideration.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the words "parties desiring to be joined in marriage," in line 29, Section 1, page 2 of the printed bill, and insert in lieu thereof the following: "male applicant for a license."

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "the parties," in line 31, Section 1, page 2 of the printed bill, and insert in lieu thereof the word: "him."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection, enacted March 12, 1872.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 432—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757*a*, relating to the office hours of the Clerk of the Supreme Court.

Bill read second time and ordered on file for third reading.

Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Bill read second time.

Mr. Stanton moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 812 considered.

Mr. Stanton moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 812, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for

proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims, and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 11, 1891.

Bill read second time, and ordered on file for third reading.

Judiciary Committee Substitute for Senate Bills Nos. 227 and 346—An Act to amend Section 1195 of the Political Code.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "Taking, sale, or possession of salmon, when prohibited," Section 1, on lines 3 and 4, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "Repeal of conflicting Acts," Section 2, on line 1, third page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered four hundred and seventy-six *a* (476*a*), relating to making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 555—An Act to amend Sections 336, 337, 338, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273*g*, relating to indulging in degrading, lewd, immoral, or vicious habits or practices, or being habitually drunk in the presence of children.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 73—An Act making an appropriation to pay the claim of Charles J. Morf against the State of California.

Bill read second time.

Senate Bill No. 707—An Act appropriating $4,500 to pay the claim of J. B. Lauck.

Bill read second time.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 73 and 707.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 73 and 707 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 73 and Senate Bill No. 707, and do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 869—An Act to provide for the loan from the School Land Fund to the State of California of the sum of $250,000; providing for the transfer of said amount from the School Land Fund to the General Fund, and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund, and from the General Fund to the School Land Fund, and from the General Fund to the State School Fund to carry out the purposes of this Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 870—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bulkheads, sheds, streets, and seawalls, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the final letter "s" of the word "seawalls," on line 3 of the title.

Amendment adopted.

Bill read second time.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 870 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 870, and do now report the same back, and recommend that it do pass, as amended.

BEARDSLEE, Chairman.

Bill ordered to print, and on file for third reading.

Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 881—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 840—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850–1907, inclusive.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 758—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 765—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest the title in the State of California of the improvements, buildings, and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of $3,000 for the purpose of purchasing ten acres or more of land, and for the improvement thereof, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors and marines of the United States Army; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Bill read second time.

Senate Bill No. 880—An Act making an appropriation of twenty thousand dollars ($20,000), to be expended by the Board of Capitol Commissioners for making alteration, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an

appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, an all Acts amendatory thereof.

Bill read second time.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 765 and 880.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 765 and 880 considered.

Mr. Held moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 765 and Senate Bill No. 880, and do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 308—An Act to repeal Sections 156 and 157 of the Code of Civil Procedure, both relating to the eligibility of judicial officers.

On motion of Mr. Wyatt, Senate Bill No. 308 was denied a second reading.

Senate Bill No. 308 was ordered stricken from the file.

Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil action.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to execution in civil cases.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all of Section 5, beginning with the figures "530," on line 3, third page, printed bill, down to and including the word "provided," in line 20 of Section 5, on page 4 of printed bill, and inserting in lieu thereof the following:

"530. If the court or judge deem it proper that the person sought to be enjoined should be heard before granting the injunction, an order may be made requiring cause to be shown at a specified time and place why the injunction should not be granted, and the defendant may, in the meantime, be restrained. In all actions which may be hereafter brought when an injunction or restraining order may be applied for to prevent the division, diminution, or increase of the flow of water in its natural channels to the ordinary flow to which the plaintiff claims to be entitled, the court shall first require due notice of the application to be served upon the defendant, and, upon the hearing thereof, if it be made to appear to the court that plaintiff is entitled to the injunction, but that the issuance thereof pending the litigation will entail great damage upon defendant, and that plaintiff will not be greatly damaged by the acts complained of pending the litigation, and can be fully compensated for such damages as he may suffer, the court may refuse the injunction upon the defendant giving a bond such as is provided for in Section 532; and upon the trial the same proceedings shall be had, and with the same effect as in said section provided."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 330—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the time in which appeals may be taken in criminal actions.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "section," on line 3, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "thirty," on line 5, Section 1, first page, printed bill, and inserting in lieu thereof the following: "sixty."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975*a*, providing for the transfer of certain moneys from one county to another when a new county has been formed and organized.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV of Part III, relating to special proceedings; said title to relate to proceedings for the

adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975*b*, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700*a*, both relating to execution sales.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "then on," on line 12, Section 1, first page, printed bill, and inserting in lieu thereof the following: "the purchaser is substituted to and acquires all the right, title, interest, and claim of the judgment debtor on or at any time after."

Amendment adopted.

Bill read second time and ordered to print and on file for third reading.

Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "thirty-five," on line 1, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "forty-one" at the end of line 2 and the beginning of line 3, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "forty-five" on line 3, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the words "forty-seven, forty-eight," on line 4, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the word "fifty-three," on line 5, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "sixty-nine" and "seventy-two," on line 6, Section 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the word "thirty-five" in line 2; the words "forty-one" and "forty-five" in line 4; the words "forty-seven" and "forty-eight" in line 5; the word "fifty-three" in line 6; the word "sixty-nine" in line 7; and the word "seventy-two" on line 8 of the title to the printed bill.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting after the word "judge," on line 21, Section 1, second page, printed bill, the following: "or county clerk."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "judge," on line 24, Section 1, second page, printed bill, the following: "or clerk."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 328—An Act to amend Sections 656, 658, 659, 660, 661, and to renumber and amend Section 663½ of the Code of Civil Procedure, all relating to new trials.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "reference," on line 46, Section 2, third page, printed bill, and inserting in lieu thereof the following: "referee."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting after the word "shall," on line 69, Section 2, third page, printed bill, the following: "then."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "or," on line 6, Section 3, fourth page, printed bill, and inserting after the word "exceptions," in said line, the words "or statement."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title I*a*, relating to State schools of industry and reform for juvenile offenders.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Amend by striking out the characters "I*a*," on line 3 of title, first page, printed bill, and inserting in lieu thereof the following: "III."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the characters "Ia," on line 8 of title, first page, printed bill, and inserting in lieu thereof the following: "III."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 1, pages 1 and 2 of the printed bill, under the sub-heading "Of the Preston School of Industry," and after the word "section," the figures: "1590, 1590*a*, 1590*b*, 1590*c*, 1590*d*, 1590*e*, 1590*f*, 1590*g*, 1590*h*, 1590*i*, 1590*j*, 1590*k*, 1590*l*, 1590*m*, 1590*n*, 1590*o*, 1590*p*, 1590*q*, and 1590*r*," and inserting in lieu of each of said numbers, respectively, the following: "1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, and 1638."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of Section 1, page 2 of the printed bill, the section number "1590," of the body of the bill, and inserting in lieu thereof the following: "1620," and renumbering the remaining sections, Chapter I, of the body of the bill, respectively, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, and 1638.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "fifteen hundred and ninety *h* of this Code," in line 10 of Section 1590*d* of the body of the bill, third page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and twenty-eight."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "judge or court," in lines 7 and 8 of Section 1590*i* of the body of the bill, fifth page, printed bill, and inserting in lieu thereof the following: "court or judge thereof."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the words "superior judge," in line 9, Section 1590*i* of the body of the bill, fifth page, printed bill, and inserting in lieu thereof the following: "judge of the superior court."

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the word "superior," on line 15, Section 1590*i* of the body of the bill, sixth page, printed bill.

Amendment adopted.

AMENDMENT No. 9.

Amend by striking out the words "superior judge thereof," in line 4, Section 1590*k* of the body of the bill, seventh page, printed bill, and inserting in lieu thereof the following: "judge of such court."

Amendment adopted.

AMENDMENT No. 10.

Amend by striking out the words "fifteen hundred and ninety *i* of this Code," in lines 13 and 14 of Section 1590*l* of the body of the bill, seventh page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and twenty-nine."

Amendment adopted.

AMENDMENT No. 11.

Amend by striking out of Section 1, pages 10 and 11 of the printed bill, under the subhead "Of the Whittier State School," and after the word "section" the figures: "1592, 1592*a*, 1592*b*, 1592*c*, 1592*d*, 1592*e*, 1592*f*, 1592*g*, 1592*h*, 1592*i*, 1592*j*, 1592*k*, 1592*l*, 1592*m*, 1592*n*, 1592*o*, 1592*p*, 1592*q*, 1592*r*, 1592*s*, 1593, 1593*a*, 1593*b*, 1593*c*, 1593*d*, 1593*e*, 1593*f*, 1593*g*, and 1593*h*," and inserting in lieu of each of said numbers, respectively, the following: "1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, and 1668."

Amendment adopted.

AMENDMENT No. 12.

Amend by striking out of Section 1, page 11 of the printed bill, the section number 1592 of the body of the bill, and inserting in lieu thereof the following: "1640," and renumbering the remaining sections of Chapter II of the body of the bill, respectively: "1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, and 1668."

Amendment adopted.

AMENDMENT No. 13.

Amend by striking out the words "fifteen hundred and ninety-two *h* of this Code," on lines 9 and 10, Section 1592*i*, of the body of the bill, fifteenth page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and forty-eight."

Amendment adopted.

AMENDMENT No. 14.

Amend by striking out the words "fifteen hundred and ninety-two *h* of this Code," on lines 15 and 16, Sec. 1592*j*, of the body of the bill, sixteenth page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and forty-eight."

Amendment adopted.

AMENDMENT No. 15.

Amend by striking out the words "superior judge," on line 1, Section 1592*p* of the body of the bill, eighteenth page, printed bill, and inserting in lieu thereof the following: "judge of a superior court."

Amendment adopted.

AMENDMENT No. 16.

Amend by striking out the words "superior judge thereof," on line 4, Sec. 1592*q*, of the body of the bill, eighteenth page, printed bill, and inserting in lieu thereof the following: "judge of such court."

Amendment adopted.

AMENDMENT No. 17.

Amend by striking out the words "fifteen hundred and ninety-two *n* of this Code," on line 15, Sec. 1593, of the body of the bill, nineteenth page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and fifty-four."

Amendment adopted.

AMENDMENT No. 18.

Amend by striking out the words "fifteen hundred and ninety-two *n* of this Code," on lines 6 and 7, Sec. 1593*c*, of the body of the bill, twenty-first page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and fifty-four."

Amendment adopted.

AMENDMENT No. 19.

Amend by striking out the words "the superior judge," on line 2, Sec. 1593*f*, of the body of the bill, twenty-second page, printed bill, and inserting in lieu thereof the following: "a judge of the superior court."

Amendment adopted.

AMENDMENT No. 20.

Amend by striking out the words "fifteen hundred and ninety-two *n* of this Code," on line 7, Sec. 1593*f*, of the body of the bill, twenty-second page, printed bill, and inserting in lieu thereof the following: "sixteen hundred and fifty-four."

Amendment adopted.

AMENDMENT No. 21.

Amend by striking out the words "superior judge," on line 1, Sec. 1593*g*, of the body of the bill, twenty-third page, printed bill, and inserting in lieu thereof the following: "judge of a superior court."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 924—An Act to add a new article to Chapter I, of Title III, of Part III of the Political Code, to be known as Article VII, relating to education.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "education," on line 4 of the title of the Act, first page, printed bill, and inserting in lieu thereof the following: "Hastings College of Law."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting on line 5, Section 1478 of the body of the bill, second page, printed bill, before the word "directors," the following: "board of."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting on line 3, Section 1483 of the body of the bill, second page, printed bill, after the word "justice," the following: "of the Supreme Court."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Assembly Bill No. 143—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

During second reading of bill the following amendment was submitted by the committee:

Amend by striking out the word "seventy," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the word "forty."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 143 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 143, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all of page 2 of printed bill, and inserting in lieu thereof the following: "If any of the land described in said petition be land which has been or is at the time of the filing or presentation of said petition, included within any other reclamation or levee district or districts, in which district or districts

the works of reclamation have not effectually and permanently reclaimed all the land in said district or districts, said petition shall state in what reclamation or levee district or districts said land is then included; and the fact that any land described in said petition has theretofore been included in any other reclamation or levee district or districts shall in no manner interfere with or prevent the inclusion of said land in a new district; *provided*, that when any land situated in any reclamation or levee district previously formed is proposed to be included in a new reclamation district, all the land in any such previously formed district or districts shall be included in said petition, for the formation of such new district; and the petition shall state that the works of reclamation in said district have not effectually and permanently reclaimed all the lands included therein; *and provided further*, that nothing herein contained shall in any wise impair any contract or indebtedness already incurred by any such previously formed district; and that such previously formed district shall continue its existence until all its contracts and indebtedness incurred by it, up to the time of its inclusion in a new district, shall be fully performed and paid, or otherwise satisfied and discharged; and until such time, such district shall, for the purpose of winding up its affairs, be considered an existing reclamation district to all intents and purposes as if the same were not included within a new district."

This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

BILL RECALLED FROM COMMITTEE.

Mr. Hewitt moved that Senate Bill No. 787—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district—be recalled from the Committee on Swamp and Overflowed Lands and Drainage and placed on Senate Special File, as the bill is identical with Assembly Bill No. 870, heretofore favorably reported by said committee.

Motion carried.

WITHDRAWAL OF BILL.

Mr. Hewitt asked for and was granted unanimous consent to withdraw Assembly Bill No. 870.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 930—An Act providing for a license tax on automobiles and other vehicles operated by other than muscular force, and directing the manner of collecting the same.

Bill re-referred to Committee on Roads and Highways.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867,' approved March 30, 1868," approved March 12, 1885—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

THOMPSON of Los Angeles, Chairman.

Senate Bill No. 815 ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO March 4, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Concurrent Resolution No. 22—Relative to the consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

JOHNSON of Sacramento, Chairman.

Assembly Concurrent Resolution No. 22 ordered on file for adoption.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 26—Adding a new section, to be numbered 21, to Article XX of the Constitution, relative to hours of labor or employment in a calendar day—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that the same be adopted as amended.

WESKE, Chairman.

Assembly Constitutional Amendment No. 26 ordered on file for adoption.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 999—An Act to provide for the creation of associations for the cremation of dead bodies and the burial and care of the incinerated remains, to prescribe the powers thereof, to provide for the creation of an irreducible fund therefor, and to prescribe the duties of the trustees of said associations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

Assembly Bill No. 999 ordered on file for second reading.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read as follows:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271*a*, relating to the subject of escheated estates.

Also: Assembly Bill No. 697—An Act transferring money from the general fund to the adult blind fund to meet a deficiency in said adult blind fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Also: Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit: Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Also: Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, the following:

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of text-book committee.

Also: Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Also: Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced

within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18 and by adding a new section, to be known as Section 55*a*.

Also: Senate Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

Also: Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Also: Assembly Bill No. 455—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulations violated, and providing that such penalty shall in all cases be reasonable and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, *and providing further* that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Also: Assembly Bill No. 415—An Act providing that in any city, or city and county in this State where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that superior courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

And respectfully request that your honorable body concur in the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bills Nos. 700, 697, and 638 ordered to enrollment.

Senate Bill No. 719 read first time, and referred to Committee on Judiciary.

The consideration of Assembly Bills Nos. 543, 512, 266, 825, 352, 455, 415, and 19, as amended by the Senate, were ordered on file as unfinished business.

ADJOURNMENT.

At eleven o'clock and fifteen minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Tuesday, March 5, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, March 5, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—61.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. Eshleman, Case, and Hans.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Wilson, its further reading was dispensed with.

APPROVAL OF JOURNALS.

On motion of Mr. Transue the Journals of Friday, February 15, Saturday, February 16, Monday, February 18, Tuesday, February 19, Wednesday, February 20, Thursday, February 21, and Friday, February 22, 1907, were read and approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 778—An Act to change the boundaries of the County of Los Angeles.

Assembly Bill No. 347—An Act to authorize the depositing of county and municipal moneys in banks in this State and to repeal all Acts or parts of Acts in conflict with this Act.

Assembly Bill No. 596—An Act to amend Section 199 of the Code of Civil Procedure of the State of California, relative to competency of jurors.

Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.

Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1963, and 1982 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1947*a*, all relating to evidence.

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3778, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and

Section 3817, and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Assembly Bill No. 919—An Act to add a new section to the Penal Code, to be numbered Section 556, and relating to the correct weight of agricultural products sold by the bale.

Assembly Bill No. 593—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class and repealing all conflicting Acts.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 621—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising for medical purposes—report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 434—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered Section 317½, prohibiting the publication of certain advertisements—report the same back, without recommendation.

Also: Assembly Bill No. 820—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains—report the same back, with one amendment, without recommendation.

Also: Assembly Bill No. 990—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment—report the same back, with recommendation that it do pass.

Also: Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses—report the same back, and recommend that it do pass.

Also: Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public—report the same back, with two amendments, and recommend that it do pass as amended.

Also: Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens—report the same back, and recommend that it do pass.

Also: Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors—report the same back, and recommend that it do pass.

Also: Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors—report the same back, and recommend that it do pass.

Also: Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the rights of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 835—An Act providing that credits allowed prisoners in the State prisons and serving more than one sentence be computed and allowed on all the terms of sentence as on one continuous term sentence—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 943—An Act to amend Section 1880 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to persons who can not testify upon claims against estates of deceased persons—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 530—An Act to amend the Political Code of the State of California by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, and 340*a*, under a new article, to be numbered thirteen (13), to be added to chapter two (2), title one (1), part three (3), of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State—report the same back, without recommendation.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

PYLE, Chairman.

Senate Bill No. 759 referred to Committee on Ways and Means.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No 739—An Act to appropriate the sum of $2,536.76 to pay the claim of the Ætna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Also: Assembly Bill No. 740—An Act to appropriate the sum of $889.95 to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Also: Assembly Bill No. 741—An Act to appropriate the sum of $1,762 79 to pay the claim of the Germania Life Insurance Company, of New York, against the State of California.

Also: Assembly Bill No. 742—An Act to appropriate the sum of $11.31 to pay the claim of the Life Association of America against the State of California.

Also: Assembly Bill No. 743—An Act to appropriate the sum of $349.60 to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Also: Assembly Bill No. 744—An Act to appropriate the sum of $222.85 to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Also: Assembly Bill No. 745—An Act to appropriate the sum of $3,462.11 to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Also: Assembly Bill No. 746—An Act to appropriate the sum of $1,531.91 to pay the claim of the Prudential Insurance Company of America against the State of California.

Also: Assembly Bill No. 747—An Act to appropriate the sum of $60.51 to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Also: Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Also: Senate Bill No. 95—An Act to appropriate the sum of fifty thousand ($50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and providing for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 292—An Act making an appropriation of five thousand ($5,000) dollars for the purpose of completing the photographic laboratory in combination with the fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Also: Senate Bill No. 453—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Also: Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

Also: Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 203—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.

Also: Assembly Bill No. 998—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Also: Senate Bill No. 545—An Act to provide for the acquisition, equipment, and use of a railway car for the purpose of distributing live fish and stocking the waters of this State with fish, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CULLEN, Chairman.

Senate Bill No. 567 referred to Committee on Ways and Means.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 997—An Act to empower boards of supervisors, boards of trustees, common councils, or other governing or legislative bodies of counties, cities and counties, cities and towns, to permit the holders of street railroad and interurban railway franchises therein to operate freight cars and to transport freight, and to provide for a compensation for such permission.

Also: Assembly Bill No. 1030—An Act to increase the number of Judges of the Superior Court of the County of Alameda.

Also: Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JURY, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts report as follows, and recommend the adoption of the following resolutions, previously referred to this committee:

A resolution directing the purchase of eighty-five copies each of Roberts' Rules of Order and Treadwell's Constitution and one set of the Bender-Chaquette Codes, beg leave to report that the above have been purchased and delivered to the members, and recommend the adoption of the following resolution:

Resolved, That the State Controller be and he hereby is directed to draw his warrant on the Contingent Fund of the Assembly in favor of the H. S. Crocker Co. in the sum of four hundred and fifty-nine and seventy-five one-hundredths ($459.75) dollars, and the Treasurer is directed to pay the same.

The accompanying bill reads as follows:

SACRAMENTO, March 3, 1907.

Chief Clerk Assembly,

To H. S. CROCKER COMPANY, Dr.

85 Roberts' Rules of Order, .75	$63 75
85 Treadwell's Constitutions, $4.00	340 00
1 set Bender & Chaquette Codes	40 00
1 Bates' numbering machine	16 00
	$459 75

Also:

Resolved, That the State Controller be and he hereby is directed to draw his warrant on the Contingent Fund of the Assembly in favor of Henry E. Sleeper in the sum of thirty-one dollars and seventy cents ($31.70), and the Treasurer is hereby directed to pay the same.

The accompanying bill reads as follows:

SACRAMENTO, CAL.

Assembly Chief Clerk,

In account with HENRY E. SLEEPER.

Jan. 17	To stamps and pads	$14 95
19	To stamps	2 50
16	To stamps and dater	2 75
22	To stamps	75
24	To stamps	3 25
23	To stamps and dater	3 25
28	To stamps	50
Feb. 4	To stamps	25
20	To stamps	75
20	To dater	2 75
		$31 70

BERRY, Chairman.

The report and resolutions read.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Collister, Cornish, Costar, Cullen, Davis, Estudillo, Finney, Fisher, Forbes, Fratessa, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Toomey, Transue, Whitmore, and Mr. Speaker—48.

NOES—None.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 845—An Act to amend Section 3680 of the Political Code of the State of California, relating to sale of land for taxes.

Also: Senate Bill No. 740—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Also: Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making appropriation therefor.

Also: Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Also: Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of $10,000 therefor.

Also: Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25*c*, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor.

Also: Senate Bill No. 613—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits for the protection of policy holders by insurance companies engaged in the business of insuring or indemnifying employers and others against loss or damage for personal injury or death resulting from accidents to employés or persons other than employés.

Also: Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time.

Also: Senate Bill No. 702—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of this State.

Also: Senate Bill No. 780—An Act to amend Section 1619 of the Code of Civil Procedure, relating to the compensation of attorneys of executors and administrators for extraordinary services.

Also: Senate Bill No. 855—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

Also: Senate Bill No. 789—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Also: Senate Bill No 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Also: Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897.

Also: Senate Bill No. 834—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Also: Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropiation therefor.

Also: Senate Bill No. 749—An Act to authorize suits against the State of California, concerning certain real property, and regulate the procedure therein.

Also: Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

Also: Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations, and adding a new section thereto for the purpose of carrying out the provisions of this Act.

Also: Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

Also: Senate Bill No. 131—An Act to amend Section 1576*a* of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary.

Also: Senate Bill No. 802—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Also: Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Also: Senate Bill No. 360—An Act to amend Section 1476 of the Penal Code, relating to the issuance of writs of habeas corpus and admission to bail, pending the determination thereof.

Also: Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil actions in justices' courts.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 517—An Act to appropriate $20,000 out of any money in the State treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.

Also: Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671*a*, relating to the issue of bonds for the support of county high schools.

Also: Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Also: Assembly Bill No. 156—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance

and disposition of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.

Also: Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Also: That the Senate on this day concurred in Assembly amendments to Senate Bill No. 30—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation thereof.

Also: Senate Bill No. 51—An Act to amend an Act creating a State commission on voting or ballot machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, city and county, city or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903.

Also: Senate Bill No. 646—An Act supplementary to an Act entitled "An Act creating a State commission on voting or ballot machines, defining their power, and providing for the use at the option of the indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts in any county, or city and county, or city or town, at any or all elections held therein, and for ascertaining the result of said elections; providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and providing for the testing and inspection of such machines.

Also: Senate Bill No. 550—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery, and wagons, buggies, vehicles and other articles, providing for the collection thereof, and making the violation of this Act a misdemeanor.

Also: Senate Bill No. 67—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.

Also: Senate Bill No 92—An Act to provide for certain improvements at the Californla Polytechnic School and making an appropriation therefor.

Also: Senate Bill No. 564—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Also: Senate Bill No. 569—An Act to amend Section 1915 of the Code of Civil Procedure, referring to the effect of a foreign judgment.

Also: Senate Bill No. 69—An Act to amend Section 1093 of the Penal Code, relating to the order of trial.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Constitutional Amendment No. 5—Relating to boards of education and text-books, and providing for free text-books.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day adopted as amended, Assembly Constitutional Amendment No. 7—Relative to county and township offices—and respectfully requests your honorable body to concur in said amendment.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in Assembly amendments to Senate Bill No. 58, and respectfully requests your honorable body to recede from the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 845 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 740 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 788 read first time, and ordered on file without reference.

Senate Bill No. 152 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 725 read first time, and ordered on file without reference.

Senate Bill No. 82 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 730 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 613 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 888 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 702 read first time, and referred to Committee on Judiciary.

Senate Bill No. 780 read first time, and referred to Committee on Judiciary.

Senate Bill No. 855 read first time, and referred to Committee on Judiciary.

Senate Bill No. 789 read first time, and referred to Committee on Judiciary.

Senate Bill No. 839 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 838 read first time, and referred to Committee on Dairy and Dairy Products.

Senate Bill No. 834 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 134 read first time, and ordered on file without reference.

Senate Bill No. 749 read first time, and referred to Committee on Judiciary.

Senate Bill No. 859 read first time, and referred to Committee on Judiciary.

Senate Bill No. 195 read first time, and referred to Committee on Corporations.

Senate Bill No. 531 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 131 read first time, and referred to Committee on Education.

Senate Bill No. 802 read first time, and referred to Committee on Judiciary.

Senate Bill No. 99 read first time, and referred to Committee on Judiciary.

Senate Bill No. 360 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 212 read first time, and referred to Committee on Revision and Reform of Laws.

Assembly Bills Nos. 517, 891, 390, 784, 156, and 838 ordered to enrollment.

ASSEMBLY RECEDES.

Mr. Drew moved that, in compliance with the request from the Senate, the Assembly now recede from the following Assembly amendments to Senate Bill No. 58:

ASSEMBLY AMENDMENTS.

Amend by inserting after the word "dollars," on line 18, second page of printed bill, the following: "also for the preparation of plans for the removal of seepage and surplus water by drainage, and investigations of the use of different kinds of power and appliances for drainage, five thousand dollars."

Also: Amend by inserting in the title, in line 3 thereof, after the word "State," as follows: "and providing for drainage and investigations of the use of different kinds of power and appliances for drainage."

Also: Insert in line 21, page 2, printed bill, after the word "drainage," the words "five thousand dollars."

The question being put, "Shall the Assembly recede from the Assembly amendments to Senate Bill No. 58?"

The roll was called, and Assembly amendments to Senate Bill No. 58 were receded from by the following vote:

AYES—Messrs. Beckett, Birdsall, Boyle, Butler, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spaulding, Stetson, Thompson of Los Angeles, Toomey, Transue, Vogel, Wilson, and Mr. Speaker—47.

NOES—None.

CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relative to duties of text-book committee.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 543?"

SENATE AMENDMENTS.

Strike out of Section 1874, line 2*a*, page 1, the word "and," and insert in lieu thereof the following: "or."

Also: Strike out of Section 1874, line 2*b*, page 1, the word "adopted," and insert in lieu thereof the following: "adopting."

Also: Strike out of Section 1874, all of lines 124, 125, 126, and all in line 127 down to the word "known," and inserting the following: "7. The appropriation heretofore made."

Also: Strike out of Section 1874, line 131, the words "in this Act," and inserting in lieu thereof the following: "by law."

Also: in Section 1874, line 143, insert the following: "8" before the sentence beginning with "It."

Also: Amend Section 1874, line 158, by inserting the following: "excepting that of the salary of the secretary of the State Text-Book Committee," after the word "fund."

Also: Amend Section 1874, line 164, by striking out the figure "8," and inserting the figure "9."

Also: Amend Section 1874, line 176, by striking out the figure "9," and inserting the figures "10."

Also: In line 2*a* of the engrossed bill, strike out the sign of section before the figures "1874."

Also: In line 3 of the engrossed bill, strike out the figure "7" with its brackets, and on line 4 strike out the figure "9" with its brackets.

Also: In line 18, page 2, of the engrossed bill, strike out the following: "the common schools."

Also: In line 174, page 6 of the engrossed bill, strike out "$200.00."

Also: Strike out the last line on page 6 of the engrossed bill.

The roll was called, and Senate amendments to Assembly Bill No. 543 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Boyle, Bush, Butler, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wilson, and Mr. Speaker—45.

NOES—None.

Assembly Bill No. 543 ordered to reëngrossment and enrollment.

Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 512?"

SENATE AMENDMENTS.

On page 1 of the printed bill, strike out all of Section 2, and amend Sections 3 and 4 by renumbering the same Sections 2 and 3.

Also: Amend Section 1, page 1, by inserting after the word "in," on line 5, the words "the twenty-four hours of."

The roll was called, and Senate amendments to Assembly Bill No. 512 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Boyle, Bush, Butler, Chandler, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Wilson, and Mr. Speaker—45.

NOES—None.

Assembly Bill No. 512 ordered to reëngrossment and enrollment.

Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18 and by adding a new section to be known as Section 55*a*.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 266?"

SENATE AMENDMENTS.

Amend Section 7, page 6, line 25, by striking out the words "are not to be assessed," and strike out all of line 26 and the words "of the real estate," in line 27, and insert in lieu thereof the following: "or any lands or town lots within such district, shall be exempt from taxation for any of the purposes mentioned in this Act."

Also: Strike out all of Section 9 after the words "Section 55*a*" and insert the following:

The board of directors may and upon a petition signed by fifteen per cent of the qualified electors of such district, as shown by the last printed great register or registers of the county or counties in which said district is located, must submit to a vote of the electors of such district, either at a general or special election, the question as to whether or not thereafter such board shall have the power to levy special assessments, as hereinafter provided.

In such election the ballots shall contain the words "Shall directors be authorized to levy an annual assessment—Yes—No," or other similar words. If two thirds or more of the votes cast are in favor of conferring such power, thereafter the directors shall have the power each year, without submitting the question to a vote of the electors to levy such assessments as may be necessary to provide sufficient funds to pay the expenses of the care, operation, and management of the business of said district, and the repair and improvement of such portions of said canal and works as are completed and in use, including the salaries of officers and employès; but the amount so raised in any one year, without the special election provided for in Section 59 of this Act, shall not exceed one dollar upon each one hundred dollars of the assessed value of the property of said district assessable for irrigation purposes; *provided further*, that at any time after said power to levy such assessment shall have been granted to said board of directors, as provided in this section, upon petition of fifteen per cent of the qualified electors of such irrigation district, as shown by the last printed great register or registers of the county or counties in which said district is located, it shall be the duty of the board of directors of such district to submit to the qualified electors thereof, at a general or special election, the question as to whether or not the power of said board of directors to levy such assessment shall be withdrawn. In such election the ballots shall contain the words "Shall the authority of the directors to annually levy an assessment be withdrawn—Yes—No."

If at said election a two thirds majority of the votes cast shall be in favor of withdrawing said power from said board of directors, said board shall thereafter have no power to levy such assessment, except as provided in Section 59 of this Act or until the power to levy such assessment annually shall have again been conferred upon them as provided in this section.

Also: Strike out all of Section 2; also, all of Section 4, and renumber sections from Section 2 throughout the bill.

Also: Amend title by striking out of line 8 thereof the figures "15," and striking out of line 9 thereof the words "by repealing Section 18."

Also: By striking out of Section 1, page 2 of the printed bill, in lines 30, 31, and 32, the words "*provided*, that where a district lies in two or more counties all notices required by this Act to be published shall be published in at least two counties."

Also: By striking out of Section 3, page 3, line 7 of the printed bill, the word "who," and inserting in lieu thereof the following: "each of whom."

Also: Inserting after the word "or," in line 25, in Section 5, page 4 of the printed bill, the words "city or."

Also: By inserting after the period after the word "year," in line 31 of Section 5, page 4 of the printed bill, the words "The term improvements as used in this section includes trees, vines, alfalfa, and all growing crops, and all buildings and structures of whatever class or description erected or being upon said lands or city or town lots."

Also: By striking out of Section 7, line 34 of the printed bill, at page 6, on line 34, after the word "at," on said line 34, the words "a general or special election," and inserting in lieu thereof the following: "the next general election following the filing of said petition, or at a special election that must be called therefor upon any date that may be prayed for in said petition."

Also: By inserting after the period after the word "therein," on line 34 of Section 8, page 7 of the printed bill, the words "*provided, however*, that sections seventeen and fifty-six of this Act as amended, in so far as those sections provide for water rights, and the use, appropriation, and dedication of the waters of the streams, floods, and storms of this State, and attempt to give irrigation districts a prior right to all the waters of the streams, floods, and storms of this State, not appropriated, shall apply only to districts that were, on the first day of March, 1907, in actual operation as irrigation districts under the laws of this State, and were actually using, or, at any time within one year immediately prior to the said first day of March, 1907, had been using the waters of the streams, or floods, or storms of this State for irrigation purposes."

Also: By striking out on page 9 of the printed bill all of Section 11.

Also: Amend the title of the printed bill as follows: By inserting after the comma after the figures "57," the word "and."

Also: Amend the title of the printed bill as follows: By striking out after the figures "60," the word "and," and the figures "61."

The roll was called, and Senate amendments to Assembly Bill No. 266 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Lynch, McConnell, McKeon, Pierce, Pyle, Root, Smyth, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—46.

NOES—None.

Assembly Bill No. 266 ordered to reëngrossment and enrollment.

Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 825?"

SENATE AMENDMENTS.

On line 22, page 2 of the printed bill, strike out the word "five," and insert in lieu thereof the word "twelve"; also, strike out the figures "500.00," on said line 22, page 1 of the printed bill, and insert in lieu thereof the figures "1,200.00."

Also: Amend by adding after Section 1, page 2 of the printed bill, the words "Bank Commissioners, two thousand dollars," and the figures "2,000.00" in parenthesis."

Also: On page 2 of printed bill, between lines 14 and 15 thereof, insert the following: "Board of Equalization, printing annotated revenue laws, five hundred dollars ($500)."

Also: Amend Section 1 of the printed bill by striking out the words "eleven thousand nine hundred," in line 1, and insert in lieu thereof the words "fifteen thousand one hundred."

The roll was called, and the Assembly refused to concur in Senate amendments to Assembly Bill No. 825 by the following vote:

AYES—Messrs. Held, Johnson of Sacramento, Leeds, Pierce, Root, Vogel, and Mr. Speaker—7.

NOES—Messrs. Beban, Berry, Birdsall, Boyle, Bush, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Higgins, John, Jury, Lucas, Lynch, McConnell, McKeon, Otis, Percival, Pyle, Snyder, Spaulding, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, and Whitmore—38.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 352?"

SENATE AMENDMENTS.

Amend by inserting after the enacting clause, on page 1 of printed bill, the following:

SECTION 1. Section two thousand one hundred and forty-four of the Political Code of the State of California is hereby amended to read as follows:

Also: Amend by striking out of line 1, on page 1 of printed bill, the word "Section."

The roll was called, and Senate amendments to Assembly Bill No. 352 were concurred in by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Boyle, Bush, Butler, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hartmann Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Vogel, Whitmore, Wilson, and Mr. Speaker—44.

NOES—None.

Assembly Bill No. 352 ordered to reëngrossment and enrollment.

Assembly Bill No. 415—An Act providing that in any city, or city and county, in this State where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that superior courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 415?"

SENATE AMENDMENT.

Amend the title by adding after the words "any city," on the first line of the title, the words "of the first class."

The roll was called, and Senate amendment to Assembly Bill No. 415 was concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Collister, Cornish Costar, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—None.

Assembly Bill No. 415 ordered to reëngrossment and enrollment.

Assembly Bill No. 455—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulations violated, and providing that such penalty shall in all cases be reasonable and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 455?"

SENATE AMENDMENT.

Amend the title by adding after the words "any city," on the first line of the title, the words "of the first class."

The roll was called, and Senate amendment to Assembly Bill No. 455 was concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Chandler, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Root, Spaulding, Stetson, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—None.

Assembly Bill No. 455 ordered to reëngrossment and enrollment.

Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 19?"

SENATE AMENDMENTS.

On page 1, Section 1, line 4, insert after the word "demand" the words "of defendant or his counsel."

Also: On page 1, Section 1, line 4, strike out the ":" after the figures "1247," and insert in lieu thereof a period.

Also: Amend by inserting on line 4 of printed bill, after the word "demand," the following: "of defendant or his counsel."

The roll was called, and Senate amendments to Assembly Bill No. 19 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Estudillo, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Whitmore, Wilson, and Mr. Speaker—49.
NOES—None.

Assembly Bill No. 19 ordered to reëngrossment and enrollment.

Assembly Constitutional Amendment No. 7—Relative to county and township offices.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Constitutional Amendment No. 7?"

Amend by striking out of Section 5, line 13, the words "and petit jurors" and inserting the following: "and trial jurors in all courts."
Also: Strike out period at end of line 16, page 1, and insert "and mileage."
Also: By inserting on line 8, Section 5, page 1, printed copy, after the word "duties" the following: "and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law."

The roll was called, and Senate amendments to Assembly Constitutional Amendment No. 7 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—62.
NOES—None.

Assembly Constitutional Amendment No. 7 ordered to engrossment and enrollment.

Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 674?"

SENATE AMENDMENT.

Strike out Section 3, on page 3 of the printed bill, and insert in lieu thereof Section 3, as follows:
SEC. 3. Section 13 of the said bill is hereby amended to read as follows:
Section 13. The offices of chief probation officer, probation officer, and assistant probation officer are hereby created. The appointments of chief probation officer, probation officer, and assistant probation officer to serve hereunder in any county, or city and county, shall be made by the judge of the Superior Court or by a majority of the judges

thereof, if there be more than one. The term of office of chief probation officers, probation officers, and assistant probation officers shall be during the pleasure of the Superior Court, and they may at any time be removed by the judge or judges appointing them, in their discretion.

The roll was called, and Senate amendment to Assembly Bill No. 674 was concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Chandler, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Wilson, and Mr. Speaker—56.
NOES—None.

Assembly Bill No. 674 ordered to reëngrossment and enrollment.

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties, and compensation of a secretary of said school.

The question being put, "Shall the Assembly concur in the following Senate Amendment No. 1 to Assembly Bill No. 628?"

SENATE AMENDMENT NO. 1.

Amend Section 1, line 1, by inserting after the word "eight," the following: "of an Act entitled 'An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School.'"

The roll was called, and Senate Amendment No. 1 to Assembly Bill No. 628 was concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strobridge, Transue, Weske, Whitmore, Wilson, and Mr. Speaker—48.
NOES—None.

The question being put, "Shall the Assembly refuse to concur in the following Senate Amendment No. 2 to Assembly Bill No. 628?"

SENATE AMENDMENT NO. 2.

On line 10, Section 1, page 1, printed bill, add: "The said trustees shall receive ten dollars per day each for their attendance upon meetings of the board, and while in the actual service of the State, and their necessary traveling expenses, to be paid as other current expenses of the school are paid; *provided*, that no trustee shall receive more than two hundred and forty dollars, exclusive of traveling expenses, in any one year."

The roll was called, and the Assembly refused to concur by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Boyle, Bush, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Drew, Estudillo, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strobridge, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—48.
NOES—None.

WITHDRAWAL OF BILL.

Mr. Hewitt asked for and was granted unanimous consent to withdraw Assembly Bill No. 95—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.

Bill withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILL.

On motion of Mr. Held, Senate Bill No. 73—An Act making an appropriation to pay the claim of Charles J. Morf against the State of California—was re-referred to Committee on Ways and Means.

BILLS RECALLED FROM COMMITTEE.

On motion of Mr. Estudillo, Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time—was recalled from the Committee on Revenue and Taxation and placed on file for second reading.

On motion of Mr. Transue, Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897—was recalled from the Committee on Agriculture and placed on file without reference.

RESOLUTION.

The following resolution was submitted:

By Mr. Held:

WHEREAS, The Assembly has refused to concur in Senate amendments to Assembly Bill No. 825; therefore, be it

Resolved, That the Senate be requested to recede from said amendments, and in case of its refusal to do so, that a conference committee be appointed, three thereof to be named by the President of the Senate and three by the Speaker of the Assembly.

Resolution read, and, on motion, adopted.

WITHDRAWAL OF BILL.

Mr. Pierce asked for and was granted unanimous consent to withdraw Assembly Bill No. 31—An Act to amend Section 718 of the Civil Code, relating to leases.

Bill withdrawn, and ordered stricken from the file.

BILLS RECALLED FROM COMMITTEE.

On motion of Mr. Weske, Assembly Bill No. 475—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of expenditure thereof—was recalled from the Committee on Ways and Means and placed on file for second reading.

On motion of Mr. Devlin, Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations—was recalled from the Committee on Corporations and placed on file for second reading.

RE-REFERENCE OF BILL.

On motion of Mr. Estudillo, Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one ($1,621) dollars to pay the Regents of the University of California for moneys appropriated by them to rebuild the barn at the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and the Treasurer of the State in relation thereto—was re-referred to Committee on Ways and Means.

SPECIAL ORDER.

The hour of twelve o'clock M. having arrived, the special orders heretofore set for consideration at this hour were taken up, as follows:

Assembly Bill No. 579—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885, approved March 23, 1901," by adding Sections 8 and 14 thereof, and adding a new section thereto, to be numbered and designated Section 9½.

Mr. Stetson renewed his motion to reconsider the vote whereby Assembly Bill No. 579 was on a previous day passed.

The roll was called, and the Assembly refused to reconsider by the following vote:

AYES—Messrs. Beban, Birdsall, Bush, Chandler, Costar, Davis, Devlin, Hammon, Hewitt, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington, McClellan, O'Brien, Percival, Pierce, Pyle, Sackett, Spaulding, Stetson, Strobridge, Transue, Walsh, Weske, Wessling, Whitmore, and Mr. Speaker—29.

NOES—Messrs. Beckett, Berry, Boyle, Campbell, Cogswell, Coghlan, Cornish, Cullen, Drew, Forbes, Fratessa, Hartmann, Held, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Lynch, McConnell, McKeon, McMullin, Otis, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Wilson, and Wyatt—29.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with notice given on a previous day, Mr. Drew moved that the vote whereby Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor—was passed, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Chandler, Coghlan, Cornish, Cullen, Davis, Drew, Estudillo, Forbes, Hammon, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, and Mr. Speaker—43.

NOES—None.

Bill re-referred to Committee on Ways and Means.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings—was refused passage, be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Leeds, the further consideration of Senate Bill No. 90 was made a special order for eleven o'clock A. M. of Wednesday, March 6, 1907.

THIRD READING OF BILL.

Assembly Bill No. 642—An Act to provide for the government and management of schools for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.

During third reading of the bill, Mr. Leeds moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of Section 8, beginning with word "the," on line 1, page 3, printed bill, and ending with the word "year," on line 7, page 3.

Motion carried.

The Speaker appointed Mr. Leeds as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 642, with instructions, do now report that the instructions of the Assembly have been carried out.

LEEDS, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened. Speaker R. L. Beardslee in the chair.

RE-REFERENCE OF BILL.

On motion of Mr. Bell, Assembly Bill No. 930—An Act providing for a license tax on automobiles and other vehicles operated by other than muscular force, and directing the manner of collecting the same—was recalled from the Committee on Roads and Highways, and referred to Committee on County and Township Governments.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 964—An Act to amend Section 4 of an Act entitled "An Act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CORNISH, Chairman.

Assembly Bill No. 964 ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

WYATT, Chairman.

Senate Bill No. 214 ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Constitutional Amendment No. 3—Resolution to amend Section 2½ of Article 2 of the Constitution.

Assembly Bill No. 242—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.

Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Assembly Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets, and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital and to appropriate money therefor.

Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriations therefor.

Assembly Bill No. 73—An Act to amend an Act entitled "An Act amending Section 2 of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.

Assembly Bill No. 449—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park in Sacramento City.

Assembly Bill No. 123—An Act to amend Sections 3, 4, 9, 10, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of justices of the Supreme Court for the current fiscal year.

Assembly Bill No. 322—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court, under Section 47 of the Code of Civil Procedure.

Assembly Bill No. 644—An Act making an appropriation of $4,000 to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Serra, and the old theater property at Monterey, and providing for the preservation, maintenance, protection and improvement of said properties," approved February 21, 1905.

Assembly Bill No. 98—An Act to amend the Code of Civil Procedure, by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.

Assembly Bill No. 212—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Assembly Bill No. 643—An Act to amend "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, approved March 18, 1885, by adding thereto a new section numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.

Assembly Bill No. 624—An Act making an appropriation of five hundred dollars ($500) for the purpose of repairing and preserving the James Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.

Assembly Bill No. 48—An Act to provide for the segregation, grading, and reward and punishment of State prisoners.

And were presented to the Governor March 5, 1907, at ten o'clock and thirty minutes A. M.

Also: Beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles, and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations, and paroles, and to have the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks, and employés.

Assembly Bill No. 675—An Act to amend Sections 3804 and 3805*a* of the Political Code, relating to the refunding of taxes and the cancellation of certificates of tax sales.

Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

Assembly Bill No. 868—An Act to amend Section 1240 of the Code of Civil Procedure specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

Assembly Bill No. 622—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.

Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, No. 9, relating to furnishing the series of school text-books published by this State, to institutions in this State conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.

Assembly Bill No. 859—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Assembly Bill No. 916—An Act to amend Section 16 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof.

Assembly Bill No. 1010—An Act making an appropriation of twenty thousand dollars ($20,000), to be expended by the Board of Capitol Commissioners for making alteration, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Assembly Bill No. 910—An Act to amend Section 928 of the Penal Code, relating to the powers and duties of grand juries.

Assembly Bill No. 968—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

Assembly Bill No. 1009—An Act to amend Section 827 of the Civil Code of the State of California.

Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof.

Assembly Bill No. 1014—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

Assembly Bill No. 912—An Act to amend Sections 3 and 8 of an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Assembly Bill No. 1011—An Act to amend Section 386 of the Political Code, relating to salary of Executive Secretary of the Governor.

Assembly Bill No. 1018—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 348 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Drew, Fisher, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 413—An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 413 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Boyle, Bush, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Davis, Drew, Estudillo, Fisher, Forbes, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Transue asked for and was granted unanimous consent to withdraw Assembly Bill No. 411—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.

Bill withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILLS.

On motion of Mr. Estudillo, Senate Bill No. 63—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California—was referred to Committee on Ways and Means.

BILL RECALLED FROM SENATE.

On motion of Mr. Transue, Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto—was recalled from Senate for further consideration.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 565—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendment thereof, approved March 23, 1901, and the amendment thereof, approved March 20, 1905, by amending Section 196 thereof, relating to salaries and fees of county and township officers in counties of the thirty-ninth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 565 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 582—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, March 19, 1903, and March 20, 1905, by amending Section 185 thereof, relating to salaries and fees of county and township officers of the twenty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 582 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell Cornish, Costar, Cutten, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 503 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 475 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Boyle, Butler, Case, Cogswell, Cornish, Costar, Drew, Estudillo, Fisher, Fratessa, Hammon, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 332 finally passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Boyle, Bush, Butler, Case, Chandler, Coghlan, Cornish, Costar, Cutten, Estudillo, Forbes, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

BILLS TRANSPOSED ON FILE.

On motion of Mr. Lemon, Senate Bills No. 784 and 722 were transposed on file and Senate Bill No. 784 taken up for consideration.

Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto, to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*, 1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and

amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims and prescribing the duties of county recorders respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement, and drainage of mines within the State of California," approved March 11, 1891.

Bill read third time, and passed on file for further consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 19.

Relative to adjournment sine die.

Resolved by the Assembly, the Senate concurring, That the thirty-seventh session of the Legislature adjourn *sine die* at twelve o'clock meridian, Friday, March 8, 1907.

The following amendment was offered by Mr. Stetson:

Amend by striking out of line 3 of printed resolution the words "Friday, March 8," and inserting in lieu thereof the following: "Tuesday, March 12."

Amendment adopted.

Assembly Concurrent Resolution No. 19 ordered to print and on file for adoption.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 506 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Boyle, Bush, Butler, Case, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Weske, Whitmore, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 113—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and add to said Penal Code a new section, to be numbered 632*b*, all relating to the protection and preservation of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 113 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Boyle, Bush, Butler, Campbell, Cogswell, Coghlan, Collister, Costar, Cullen, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wilson, and Mr. Speaker—48.

NOES—Messrs. Berry, Cutten, Devlin, Held, Higgins, John, Lemon, McClellan, Pyle, Weske, and Wyatt—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 778—An Act to provide for drainage by irrigation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 778 finally passed by the following vote:

AYES—Messrs. Beckett, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Kohlman, Leeds, Lynch, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

LEAVE OF ABSENCE.

On motion, Mr. Thompson of Los Angeles was excused for the afternoon.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale of any lots or tracts in cities, towns, additions to cities, towns, subdivisions or additions thereto, before such maps are filed and recorded.

Bill read third time, and passed on file for further consideration.

Senate Bill No. 62—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto five new sections, to be designated as Sections 1044, 1133, 1120, 1151, and 1121, and to repeal an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under the authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, all relating to elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 62 finally passed by the following vote:

AYES—Messrs. Berry, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Drew, Forbes, Hammon, Held, Hewitt, Higgins, John, Jury, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Thompson of San Francisco, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 560 finally passed by the following vote:

AYES—Messrs. Barry, Berry, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Drew, Estudillo, Fisher, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—51.

NOES—Messrs. Beban and Boyle—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 588 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 188—An Act authorizing and directing the completion of the main building at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Boyle, Bush, Butler, Campbell, Case, Chandler, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lynch, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stetson, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 189—An Act authorizing and directing the constructing and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 189 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly,

Kohlman, Leeds, Lucas, McConnell, McKeon, O'Brien, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wilson, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 190—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 190 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Smith, Snyder, Spaulding, Stetson, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REQUESTS FOR INTRODUCTION OF BILLS.

The following petitions asking permission to introduce bills out of order were offered:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying resolution, the title of which reads as follows, viz: A resolution to propose to the people of the State of California an amendment to Section 16, of Article IV, of the Constitution, in relation to the approval and return of bills by the Governor, and the exercise of the veto power.

STETSON,
Member Fiftieth Assembly District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and Acts amendatory thereof, relating to the fees and salaries of county and township officers in counties of the seventh class.

DREW,
Member Sixty-first Assembly District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

WALSH,
Member Forty-eighth Assembly District.

Petitions referred to Committee on Introduction of Bills.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 656—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437*a*, relating to the

pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.

Assembly Bill No. 354—An Act to amend Section 579*b* of the Penal Code, relating to cruelty to animals.

Assembly Bill No. 398—An Act to prevent the adulteration of paints, oils, varnishes and pigments.

Assembly Bill No. 99—An Act to amend Section 1036 of the Code of Civil Procedure, relating to the right of a defendant to require security for costs when plaintiff is a non-resident or foreign corporation.

Assembly Bill No. 767—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 462, relating to burglary with explosives and the punishment thereof.

Assembly Bill No. 716—An Act to amend Section 1372 of the Political Code, relating to primary elections.

Assembly Bill No. 20—An Act to amend section two thousand one hundred and fifty-four (2154) of the Political Code, relating to salaries and wages of attendants and assistant attendants in the several State hospitals.

Assembly Bill No. 459—An Act to amend Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.

Assembly Bill No. 661—An Act to amend Section 2959 of the Civil Code by providing for recording mortgages of personal property by persons who do not reside in this State.

Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.

Assembly Bill No. 103—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government," as approved April 1, 1897, and the Act amendatory thereof, approved March 20, 1905.

Assembly Bill No. 148—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessment of property for taxation.

And were presented to the Governor, March 5, 1907, at three o'clock P. M.

Also: Report that the following concurrent resolution has been correctly engrossed:

Assembly Concurrent Resolution No. 23—Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 1st day of March, 1907.

HANS, Chairman.

Assembly Concurrent Resolution No. 23 ordered on file for adoption.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations beg to report the following temporary rule and recommend its adoption:

Resolved, That there shall be prepared at once by the Committee on Rules and Regulations a special urgency file, to consist of bills to be selected in the following manner:

Each member shall present to the Committee on Rules and Regulations the number of any one particular bill which he desires to be taken up, such bill to be selected from any file, and when such list of bills shall have been completed, the Committee on Rules and Regulations, in the presence of the House, shall cause the names of all the members to be placed in a hat, and they shall be drawn therefrom by chance.

The bills shall then be arranged in the order in which the names are drawn, and a special urgency file shall thus be made. Such file shall be considered at least once each day, commencing on Wednesday, March 6, 1907, and shall be continued each day until all of such bills have been acted upon.

During the consideration of such special urgency file no bill shall be considered if objection thereto is made by at least seven members of the Assembly. But if a bill is thus objected to by seven members, the member who has placed such bill upon the file shall have the right to call up another bill in its place, under the same regulation as to objections.

Debate upon bills upon such special urgency file shall be limited to five minutes on each bill, one half of which time shall be allowed to those favoring the bill, and the remainder of the time to those in opposition.

During consideration of such special urgency file, no other business shall be in order except by unanimous consent.

No Assembly bill shall be considered by the Assembly after Saturday, March 9, 1907, at five P. M., from which time and until final adjournment, the Assembly shall consider Senate bills only.

LEEDS, Chairman.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt

Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Wilson, and Mr. Speaker—61.

NOES—None.

MESSAGES FROM GOVERNOR.

On motion of Mr. Stanton, messages from the Governor were taken up and read as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 4, 1907.

To the Assembly of the State of California:

GENTLEMEN: I have the honor to inform your honorable body that I have approved Assembly Bill No. 131—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confine said waters in such channels and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.

Also: Assembly Bill No. 4—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Assembly Bill No. 111—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.

Also: Assembly Bill No. 167—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at the Preston School of Industry," approved March 22, 1905.

Also: Assembly Bill No. 303—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874.

Also: Assembly Bill No. 429—An Act making an appropriation to pay the claim of C. W. R. Koke for services performed at the Marshall monument at Coloma, from October 20, 1905, to February 6, 1906 (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).

Also: Assembly Bill No. 528—An Act to provide for the issuance of duplicate bonds, warrants, and other municipal securities which have become defaced or mutilated.

Also: Assembly Bill No. 565—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge, but no provision is made for the appointment or election of such police judge.

Also: Assembly Bill No. 406—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury, and judgment of the court, in forcible entry, or forcible or unlawful detainer cases.

Also: Assembly Bill No. 113—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police forces to grant the members thereof yearly vacations."

Also: Assembly Bill No. 299—An Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts.

Also: Assembly Bill No. 223—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.

Also: Assembly Bill No. 62—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriations for the same.

Also: Assembly Bill No. 64—An Act to provide for the construction of stone and cement channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.

Also: Assembly Bill No. 119—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders and regulations of the State Board of Health, within municipalities and incorporated towns, and prescribing the duties of boards of health and local officers of such municipalities and towns in relation to the State Board of Health.

Also: Assembly Bill No. 126—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.

Also: Assembly Bill No. 134—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.

Also: Assembly Bill No. 307—An Act amending Section 1665 of the Political Code of the State of California, relating to studies to be taught in the primary and grammar schools.

Also: Assembly Bill No. 319—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.

Also: Assembly Bill No. 408—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds, upon the incorporation of municipalities, or annexation to municipalities.

Also: Assembly Bill No. 505—An Act to amend Section 1532 of the Political Code, relating to duties of the Superintendent of Public Instruction.

Also: Assembly Bill No. 538—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts, and condemnation of property therefor.

Also: Assembly Bill No. 581—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Also: Assembly Bill No. 1025—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.

Also: Assembly Bill No. 92—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.

Also: Assembly Bill No. 94—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies and the assessment and collection of taxes.

Also: Assembly Bill No 477—An Act making an appropriation to pay the deficiency in the appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 430—An Act making an appropriation to pay the deficiency in the appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh and fifty-eighth fiscal years.

Also: Assembly Bill No. 480—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 5, 1907.

To the Assembly of the State of California:

I respectfully return herewith, without my approval, Assembly Bill No. 30—An Act to amend an Act entitled "An Act fixing the minimum rate of compensation for labor on public work," approved March 9, 1897, together with my reasons therefor as follows:

This bill provides that the minimum compensation to be paid for labor upon all public work shall be $3.00 per day. At the present time the minimum daily rate of wages is $2.00. There is no provision of law preventing the payment of more than this sum, and every municipality and county now has full right and privilege to pay $3.00 or more for each day's labor if it sees fit.

This being true, it must follow that this effort to raise the minimum price of labor upon public work is an attempt to legislate a price for labor in excess of its natural price. If a man's labor is worth $3.00 per day upon public work, he will receive that amount as readily as he would if working in private employment. If a man's labor is not worth $3.00 per day he is no more entitled to receive such sum from the taxpayers of this State than he would be entitled to receive such amount from a private employer.

My main objection to this bill is based upon the fact that the larger cities would not be subject to the provisions of this law, while the country districts would be greatly injured by its enactment.

Section 6 of Article XI of the Constitution provides that "cities and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, *except in municipal affairs*, shall be subject to and controlled by general laws."

There is no subject more properly embraced within the term "municipal affairs" than the one relating to the employment of its own servants. The State neither hires, pays nor controls such employés. This being true, all cities acting under special and free-holders' charters which give the cities the right to regulate their employés and fix their wages would be exempt from the provisions of this general law. They would continue hiring their employés as at present, fixing their salaries without regard to this law.

I would respectfully call your attention to the case of *Popper* vs. *Broderick*, reported in 123 California Reports, at page 456. In this case a law was adopted by the Legislature increasing the salaries of officers of the police and fire departments of San Francisco. The court held that the regulation of such salaries was strictly a municipal affair, and that the act of the Legislature in increasing the pay of officers in each of those departments was unconstitutional and void. Under Subdivision 24, Section 1, Chapter II of the San Francisco charter, the minimum wages upon public work is fixed at $2.00 per day of eight hours. Many other charters have similar provisions, and in each case these cities would be unaffected by the proposed legislation.

On the other hand, the counties of this State and the country districts in general would be compelled to follow its provisions. As a rule, the wages in such country districts are below the minimum fixed by law. The most serious harm would fall on those counties which are now taxed to their utmost to maintain their road systems. Laborers upon the public highways are paid $2.00 and $2.50 per day. By a provision of law, the

road taxes are fixed at 40 cents on the $100 of taxable property. Every county in the State finds extreme difficulty now in keeping its roads in repair. Increasing the wages of its laborers upon the public highways would make it more difficult, and in many instances would prevent the repair of many roads now in use. Adding one third to the annual labor cost of maintaining county roads would result in the abandonment of one third of the roads, or in the insufficient repairing of all. This would inevitably follow, and if it seems wise to the Legislature to increase the cost of maintaining our highways they should make provision for increased taxation to meet such additional cost.

For these reasons: first, that the principal cities are not subject to the provisions of such a general law; and, second, that the places which are subject to such regulations would be injuriously affected by the same, I am constrained to return this bill to you without my approval.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 5, 1907.

To the Assembly of the State of California:

I have the honor to inform your honorable body, that I have approved Assembly Bill No. 217—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.

Also: Assembly Bill No. 83—An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building.

Also: Assembly Bill No. 125—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372*a*, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferry-boats, steamers, boats or other vehicles or vessels used for the transportation of the public.

Also: Assembly Bill No. 485—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof.

Also: Assembly Bill No. 306—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of this Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act to be numbered Section 7½.

Also: Assembly Bill No. 256—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 5, 1907.

To the Assembly of the State of California:

I herewith return to you, with my disapproval, Assembly Bill No. 389.

This bill increases the salary of the chief deputy clerk of the Supreme Court three hundred dollars per annum and increases the salary of each of the deputy clerks six hundred dollars per annum—quite a modest raise.

I am of the opinion that the present salaries are sufficient and that the same ought not to be increased.

J. N. GILLETT,
Governor of the State of California.

THIRD READING OF ASSEMBLY BILLS—(OUT OF ORDER).

Assembly Bill No. 75—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.

Bill read third time, and passed on file for further consideration.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

By Mr. Drew: Assembly Bill No. 1034—An Act to amend Section 164 of An Act entitled "An Act to establish a uniform system of county and township government."

By Mr. Stetson: Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to Section 16 of Article IV of the Constitution, in relation to the approval and return of bills by the Governor and the exercise of the veto power.

By Mr. Walsh: Assembly Bill No. 1035—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

STANTON, Chairman.

The question being put, "Shall the members named by the Committee on the Introduction of Bills, in conformity with committee's recommendation, be permitted to introduce the same?"

The roll was called, and the permission to introduce bills granted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Held, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Toomey, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Drew: Assembly Bill No. 1034—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and Acts amendatory thereof, relating to the fees and salaries of the county and township officers in counties of the seventh class.

Bill read first time, and referred to Committee on County and Township Governments.

By Committee on County and Township Governments: Assembly Bill No. 1035—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a township.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Stetson: Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to Section 16 of Article IV of the Constitution in relation to the approval and return of bills by the Governor, and the exercise of the veto power.

Assembly Constitutional Amendment referred to Committee on Constitutional Amendments.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 513—An Act to authorize municipal corporations, organized under the Act of the Legislature entitled "An Act to provide

for the organization, incorporation and government of municipal corporations," approved March 13, 1883, or the Acts of which the same are amendatory, or any Act amendatory thereof, to commence and prosecute an action, or actions, to recover real or personal property within the limits of such municipal corporations, acquired or held by the Board of Fire Commissioners, created by an Act of the Legislature entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department and to assess and collect taxes from time to time for such purpose, and to create a Board of Fire Commissioners," approved March 4, 1881, and to provide for the procedure in such action or actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 513 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Lynch, McClellan, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Stanton, Stetson, Strohl, Thompson of San Francisco, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 35—An Act to increase the fixed annual appropriation for the Veterans' Home of California, located at Yountville, Napa County, State of California, from $65,000 per annum to $75,000 per annum for the fifty-ninth fiscal year, and for each and every year thereafter, and to that end to amend Section 1 of an Act approved March 20, 1905, entitled "An Act to amend Section 1 of an Act entitled 'An Act to amend Section 1 of an Act approved March 20, 1899,' entitled 'An Act to amend an Act entitled 'An Act to amend an Act approved February 28, 1887, entitled 'An Act to amend an Act to appropriate money for the support of aged persons in indigent circumstances residing in the Home of the Veterans' Home Association,' approved March 7, 1883, providing for an increase in the annual appropriation thereof, and changing the time for the payment thereof,' approved March 23, 1893, reducing the amount of such appropriation per capita,' approved March 12, 1901, by providing for a fixed annual appropriation of $65,000 in the place and stead of $75 per annum for each and every aged and indigent United States ex-soldier, sailor, or marine admitted to or residing at said home."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 35 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 87—An Act to add a new section to the Political Code, to be numbered Section 3804*a*, relating to the cancellation of erroneous assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 87 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Forbes, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—Mr. Held—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 876—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the County of Glenn, between Mendocino and Glenn counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 876 finally passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 643—An Act to provide for and regulate the deposit of public moneys in banks and banking corporations, and providing a penalty for the illegal deposit and use thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 643 finally passed by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Estudillo, Fisher, Forbes, Fratessa, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Mr. Sackett—1.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 51 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Fisher, Forbes, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Stanton, Strobridge, Thompson of San Francisco, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 53 passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Coghlan, Cornish, Costar, Cullen, Cutten, Devlin, Estudillo, Fisher, Forbes, Fratessa, Held, Hewitt, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McKeon, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Strobridge, Thompson of San Francisco, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 54 passed by the following vote:

AYES—Messrs. Barry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 55 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Case, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon, Pierce, Pyle, Sackett, Smith, Spaulding, Thompson of San Francisco, Transue, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Spaulding, Stetson, Thompson of San Francisco, Transue, Whitmore, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 749—An Act repealing an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employers of State institutions," approved March 19, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 749 passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Ludington, McClellan, McConnell, McGuire, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Strohl, Strobridge, Transue, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Cornish asked for and was granted unanimous consent to withdraw Assembly Bill No. 970—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor—it being identical with Senate Bill No. 824, now in the House.

Assembly Bill No. 970 withdrawn, and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 824—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 824 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Fisher, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Percival, Pierce, Sackett, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Transue, Vogel, Weske, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 23—Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 1st day of March, 1907.

ASSEMBLY CONCURRENT RESOLUTION No. 23.

Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the 1st day of March, 1907.

WHEREAS, The City of Riverside, a municipal corporation, in the County of Riverside, State of California, is now, and was at all the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the ninth day of October, nineteen hundred and six, in accordance with law and the provisions of section eight of article eleven of the constitution of said state, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, Such charter was, on the thirty-first day of December, in the year one thousand nine hundred and six, signed in duplicate by all of the members of said board of freeholders and, on said last mentioned day, one copy was returned to and filed with the chairman of the board of trustees, and the other copy thereof was filed with, and in the office of the county recorder of the County of Riverside; and

WHEREAS, Such proposed charter was then published in two daily newspapers of general circulation in said City of Riverside, to-wit: "Riverside Enterprise," and the "Riverside Daily Press," for more than twenty days and the first publication thereof was made within twenty days after the completion of said charter; and

WHEREAS, Said charter was within not less than thirty days after the completion of said publication submitted by the said board of trustees of the City of Riverside to the qualified electors of the said city at a special election previously duly called and thereafter held therein on the first day of March, A. D. nineteen hundred and seven; and

WHEREAS, At said election a majority of such qualified electors voting thereat did vote in favor of and duly ratified said charter so proposed; and

WHEREAS, Said board of trustees after canvassing said returns duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the constitution of said state; and

WHEREAS, The said charter so ratified is in the words and figures following, to-wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF RIVERSIDE BY THE BOARD OF FREEHOLDERS; ELECTED ON THE NINTH DAY OF OCTOBER, A. D. NINETEEN HUNDRED SIX.

CHARTER OF THE CITY OF RIVERSIDE.

ARTICLE I.

GENERAL POWERS OF THE CITY.

SECTION 1. The municipal corporation now existing, known as the City of Riverside, shall remain and continue a body politic and corporate in name and in fact by the name of the City of Riverside and by that name shall have perpetual succession; may sue and be sued in all courts and places and in all proceedings

whatever; shall have and use a common seal alterable at the pleasure of the said city; may purchase, lease, receive, hold and enjoy real and personal property and control and dispose of the same for the common benefit; may determine and declare what are public uses and when the necessity exists of condemning property therefor; may receive bequests, gifts or donations of every kind of property, within or without said city, in fee simple or in trust for charitable or other lawful purposes, with full power to do and perform all acts and things necessary to carry out the purposes of such bequests, gifts or donations; and may do and perform all other acts necessary or incident to the exercise of the powers by this charter or otherwise granted to said city.

SEC. 2. The City of Riverside shall continue under this charter to have, hold and enjoy all property, rights of property, rights of action of every nature and description of the existing municipality and is hereby declared to be the successor of the same.

ARTICLE II.

BOUNDARIES AND WARDS OF THE CITY.

SECTION 3. The boundaries of the City of Riverside shall be and remain as now fixed and established and are described as follows:

Commencing at the northeast corner of section thirteen (13), township two (2) south, range five (5) west of San Bernardino base and meridian; thence along the north line of said section thirteen (13) to the easterly line of Jurupa Rancho; thence southerly along the easterly line of Jurupa Rancho to the southeasterly corner of lot one hundred five (105) of the lands of the Southern California Colony Association as surveyed by Goldsworthy and Higbie, a plat of which survey is of record in the office of the county recorder of the County of San Bernardino, State of California; thence in a northwesterly direction along the southerly side of lots one hundred five (105), one hundred four (104), one hundred three (103), one hundred two (102), one hundred one (101), one hundred (100) and ninety-nine (99) of said lands, according to said plat; thence on the same direct line produced to the southerly or left bank of the Santa Ana river; thence along the southerly or left bank of said river to the west line of township two (2) south, range five (5) west of San Bernardino base and meridian; thence south along said township line to the southeast corner of La Sierra Rancho; thence in a southwesterly direction on the line of La Sierra and El Sobrante de San Jacinto Ranchos to the west line of township three (3) south, range six (6) west of said base and meridian; thence in a southeasterly direction in a direct line to the southwesterly terminus of Magnolia Avenue as shown upon a plat of a survey of the lands of the Riverside Land and Irrigating Company, of record in the office of the county recorder of the County of San Bernardino, State of California, in book one of maps, at page seventy thereof, thence along the southerly boundary of the lands of said company as segregated from El Sobrante de San Jacinto Rancho, to the west line of township three (3) south, range five (5) west; thence south along said township line to the southwest corner of section nineteen (19), township three (3) south, range five (5) west; thence east on section lines to the southeast corner of section nineteen (19), township three (3) south, range four (4) west; thence north along section lines to the southeast corner of section thirty-one (31), township two (2) south, range four (4) west; thence west to the southwest corner of said section thirty-one (31); thence north along the township line between township two (2) south, range four (4) west and township two (2) south, range five (5) west to the place of beginning.

SEC. 4. The City of Riverside is hereby divided into six wards, which shall be designated respectively the First Ward, the Second Ward, the Third Ward, the Fourth Ward, the Fifth Ward and the Sixth Ward, and are described as follows:

First Ward.

Commencing at the intersection of the northerly boundary line of the City of Riverside with the westerly boundary line of the city, which is the southerly or left bank of the Santa Ana river; thence easterly along said northerly boundary line to the extreme northeasterly corner of the city; thence south along the east boundary line of the city to its intersection with the center of the right of way of the Southern California Railway Company; thence southwesterly along the said center of the right of way of the Southern California Railway Company to its intersection with the center line of Fourth Street; thence westerly along the center line of Fourth Street and the center line of Fourth Street prolonged to the intersection of said center line of Fourth Street prolonged with the westerly boundary line of the city; thence northerly along the westerly boundary line of the city to the northerly boundary line of the city, the point of beginning.

Second Ward.

Commencing at the intersection of the center line of Main Street with the center line of Fourth Street in the city; thence southerly along the center line of Main Street to its intersection with the center line of Fourteenth Street; thence westerly and southerly along the center line of Fourteenth Street to its intersection with the center line of Cypress Avenue; thence along the center line of Cypress Avenue in a southerly and a westerly direction to its intersection with the southerly bank

of Tequesquite arroyo; thence westerly along the southerly bank of Tequesquite arroyo to its intersection with the center line of Brockton Avenue; thence northerly along the center line of Brockton Avenue to its intersection with the center line of Tequesquite Avenue; thence along the center line of Tequesquite Avenue in a westerly direction to a point where the westerly line of lot two hundred ninety-six (296) of the lands of the Southern California Colony Association, prolonged southerly, intersects the center line of Tequesquite Avenue; thence northerly along said westerly line of said lot two hundred ninety-six (296) of the lands of the Southern California Colony Association to its intersection with the southerly or left bank of the Santa Ana river; thence easterly along the southerly or left bank of the Santa Ana river to its intersection with the center line of Fourth Street prolonged in a westerly direction; thence easterly along the center line of Fourth Street prolonged and along the center line of Fourth Street to its intersection with the center line of Main Street, the point of beginning.

Third Ward.

Commencing at the intersection of the center line of Main Street with the center line of Fourth Street in the city; thence southerly along the center line of Main Street to its intersection with the center line of Fourteenth Street; thence westerly and southerly along the center line of Fourteenth Street to its intersection with the center line of Cypress Avenue; thence along the center line of Cypress Avenue in a southerly and westerly direction to its intersection with the southerly bank of Tequesquite arroyo; thence easterly along the southerly bank of the Tequesquite arroyo until it intersects the upper canal of the Riverside Water Company; thence northerly along the upper canal of the Riverside Water Company until it intersects the center line of Fourth Street; thence westerly along the center line of Fourth Street to its intersection with the center line of Main Street, the point of beginning.

Fourth Ward.

Commencing at the intersection of the center of the right of way of the Southern California Railway Company with the easterly boundary line of the city; thence in a southwesterly direction along the center of the right of way of said Southern California Railway Company to its intersection with the center line of Fourth Street; thence westerly along the center line of Fourth Street to its intersection with the upper canal of the Riverside Water Company; thence southerly along said canal to its intersection with the center line of Fourteenth Street; thence easterly along the center line of Fourteenth Street to its intersection with the center line of High Street; thence south along the center line of High Street to its intersection with the center line of Pennsylvania Avenue; thence east along the center line of Pennsylvania Avenue to the east boundary line of the city; thence north along the east boundary line of the city to its intersection with the center line of the right of way of the Southern California Railway Company, to the point of beginning.

Fifth Ward.

Commencing at the intersection of the center line of Fourteenth Street with the upper canal of the Riverside Water Company; thence running easterly along the center line of Fourteenth Street to its intersection with the center line of High Street; thence south along the center line of High Street to its intersection with the center line of Pennsylvania Avenue; thence east along the center line of Pennsylvania Avenue to the east boundary line of the city (being the east line of township two south, range five west of San Bernardino base and meridian); thence south along said township line to the northwest corner of section six, township three south, range four west of said base and meridian; thence east along the north line of said section six to the northeast corner of said section six; thence south along the east line of sections six, seven, eighteen and nineteen, township three south, range four west of said base and meridian to the southeast corner of said section nineteen; thence west along the south boundary line of section nineteen, township three south, range four west and sections twenty-four, twenty-three, twenty-two, twenty-one, twenty and nineteen, township three south, range five west to the west boundary line of township three south, range five west; thence north along the west line of said township three south, range five west to its intersection with the lower canal of the Riverside Water Company; thence easterly and northeasterly along said canal to its intersection with the center line of Indiana Avenue; thence easterly along the center line of Indiana Avenue to its intersection with the upper canal of the Riverside Water Company; thence northeasterly along said canal to its intersection with the center line of Fourteenth Street, the point of beginning.

Sixth Ward.

Commencing at the intersection of the west boundary line of township two south, range five west of San Bernardino base and meridian with the southerly or left bank of the Santa Ana River; thence south on said township line to the southeast corner of La Sierra Rancho; thence in a southwesterly direction on the line of La Sierra and El Sobrante de San Jacinto Ranchos to the west line of township three south, range six west; thence in a southeasterly direction in a direct line to the southwesterly terminus of Magnolia Avenue as shown upon a plat of a survey of the lands of the Riverside Land and Irrigating Company, of record in the office

of the county recorder of the County of San Bernardino, State of California, in book one of maps, on page seventy thereof; thence along the southerly boundary line of the lands of said company as segregated from La Sierra de San Jacinto Rancho to the west line of township three south, range five west; thence north along said township line to its intersection with the lower canal of the Riverside Water Company; thence northeasterly along said canal to its intersection with the center line of Indiana Avenue; thence easterly along the center line of Indiana Avenue to its intersection with the upper canal of the Riverside Water Company; thence northeasterly along the said canal to its intersection with the southerly bank of Tequesquite arroyo; thence northwesterly along the southerly bank of Tequesquite arroyo to its intersection with the center line of Brockton Avenue; thence northerly along the center line of Brockton Avenue to its intersection with the center line of Tequesquite Avenue; thence along the center line of Tequesquite Avenue in a westerly and southwesterly direction to a point where the westerly line of lot two hundred ninety-six (296) of the lands of the Southern California Colony Association, prolonged southerly, intersects with the center line of Tequesquite Avenue; thence northerly along the westerly line of lot two hundred ninety-six (296) of the lands of the Southern California Colony Association to its intersection with the southerly or left bank of the Santa Ana River; thence southwesterly along the southerly or left bank of the Santa Ana River to its intersection with the west line of township two south, range five west, the point of beginning.

SEC. 5. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by the mayor and council; *provided*, that such change shall not be made more than once in every two years and shall be made at least ninety days before any general municipal election.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Chapter 1. The Council.

SECTION 6. The legislative power of the city is hereby vested in a mayor and a common council consisting of six members. A member of the council must be at least twenty-five years of age and must have been a qualified elector of the city for the three years and a resident of the ward from which he is elected for one year next preceding the day of his election, and in case any member of the council shall change his residence from the ward which he represents his office shall immediately become vacant and shall be filled as directed in this charter; *provided, however*, that in case the boundaries of any ward are changed, no member of the council whose residence is included within a different ward from that from which he was elected shall lose his office by reason of such change.

SEC. 7. Four members of the council shall constitute a quorum, but a less number may adjourn from time to time or compel the attendance of other members. No order, except to adjourn for a lack of quorum or to compel the attendance of a quorum, and no ordinance or resolution shall be valid unless it receives the affirmative vote of four councilmen, such vote to be by the ayes and noes and recorded on the journal.

SEC. 8. No resolution granting any franchise and no ordinance for any purpose shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other than a regular or an adjourned regular meeting. No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or at an adjourned regular meeting.

SEC. 9. Ordinances and resolutions are the formal acts of the council reduced to writing and passed under legal restrictions governing action thereon. Orders embrace all other acts which being less formal in character, require only to be duly passed by the council and spread upon the minutes. No order, resolution or ordinance shall have any effect without the approval of the mayor. In the case of orders, the approval of the mayor shall be presumed, unless at the same meeting at which the order was passed, the mayor causes his disapproval with his reasons therefor to be spread upon the minutes.

All resolutions and ordinances after passage by the council must be submitted to the mayor who shall, within ten days after he has received the same, endorse his approval or disapproval thereon, giving the reason of his disapproval; *provided, however*, that if the mayor disapproves any order, resolution or ordinance it may be passed by a vote of not less than five members of the council and shall then be as valid as if approved by the mayor. Any written contract requiring the action of the council shall be subject to the approval of the mayor in the same manner as resolutions and ordinances.

SEC. 10. All ordinances shall be attested by the city clerk, and before taking effect shall be published at least once in a newspaper published in said city, or posted in at least three public places therein, or printed and mailed as provided in Section 251, Article XVIII.

SEC. 11. The council shall judge of the qualifications of its members and of all election returns and determine contested elections of all city officers. The council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly behavior at any meeting, and shall cause

the city clerk to keep a correct journal of all its proceedings, and at the desire of any member of the council shall cause the ayes and noes to be taken on any question and entered on the journal.

SEC. 12. All meetings of the council shall be public and the council shall by ordinance fix the time and place of all regular meetings; *provided*, that at least one regular meeting shall be held each month and until such ordinance is passed, the existing ordinance of the city relating to meetings of the board of trustees shall apply. Adjournments may be taken from a meeting to a day certain and in such case the adjourned meeting shall be deemed an adjourned regular meeting. Special meetings may be called by the mayor or by two members of the council as herein provided, but no business can be transacted except that mentioned in the call.

SEC. 13. The mayor shall preside at all meetings of the council but shall not be entitled to vote, except in case of a tie, when he shall have the casting vote. The council shall choose one of their own number to preside in the absence of the mayor and who shall retain the right to vote upon all questions under consideration. The member thus chosen shall be designated the president of the council. In case of vacancy, or if by reason of absence from the city, or sickness, or from any other cause, the mayor is unable to perform the duties of his office, the president of the council shall act as mayor pro tempore and shall have all powers and authorities which the mayor would have possessed if personally present and attending to such duties, but such mayor pro tempore shall not lose his vote as councilman.

SEC. 14. The enacting clause of all ordinances shall be as follows: "The mayor and common council of the City of Riverside do ordain as follows:"

Chapter 2. Powers of the Council.

(a) General corporate and governmental powers.

SECTION 15. The mayor and common council of said city shall have power:

1. To pass ordinances, not in conflict with the Constitution of this State, or of the United States, or of the provisions of this charter;

2. To purchase, lease, or receive such real estate and personal property within and without the limits of said city as may be necessary or proper for municipal purposes and to operate, lease, control, dispose of and convey the same for the benefit of the city;

3. To erect and maintain buildings for municipal purposes;

4. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water rights and water works, within or without the corporate limits, necessary or convenient for the use of the said city or its inhabitants;

5. To establish and maintain police and fire departments;

6. To provide a seal for the City of Riverside, for the police courts and for such officers and departments of the city government as may require the same;

7. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts as provided for in this charter, and appoint necessary election officers;

8. To contract for supplying the city with water for municipal purposes, or to acquire, construct, repair, and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for the use of such city or the inhabitants, or for irrigating purposes;

9. To acquire, own, construct, maintain, and operate street and other railways, and other means of public conveyance of passengers and freight, telephone and telegraph systems, gas, electric, and other works for light, heat, power, ice, and refrigeration, public libraries, museums, gymnasiums, parks, lavatories, toilets and baths;

10. To own, manage and control cemeteries within or without the city; to sell or lease lots therein; to regulate or prohibit the burial of the dead in the city; and to authorize the disinterment and removal of any body buried within said city or in a cemetery belonging thereto;

11. To create offices other than those established by this charter or by the general law whenever the public convenience or necessity may require the same; to prescribe the duties pertaining to the offices thus created; and to provide for the election or appointment and to fix the compensation of the officers to fill the same;

12. To prescribe by ordinance the duties of all officers whose duties are not defined by this charter; and it may by ordinance prescribe for any officers duties in addition to those herein prescribed, when the same are not inconsistent with the provisions of this charter, and may fix the hours during which the public offices of any officer shall remain open, if not otherwise herein provided for;

13. To fix the salary and prescribe the compensation of all officials and employés of the city whose salary or compensation is not fixed or prescribed by this charter;

14. To fix the fees and charges for official services not otherwise provided for;

(*b*) *Finance and revenue powers.*

15. To levy and collect taxes on all property, real or personal, within the city;

16. To impose on and collect from every male citizen, between the ages of twenty-one and sixty years, an annual street poll stax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of the city;

17. To license for the purpose of revenue and regulation, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license tax upon the same and to provide for the collection of the same by suit or otherwise;

18. To impose and collect an annual license not exceeding two dollars on every male dog, and four dollars on every female dog, owned or harbored within the limits of the city;

19. To divide the city into fire districts and provide that each district be assessed to pay the expense of acquiring and maintaining appliances, apparatus, engines, and a fire department, with all other necessary means and agencies for protection against fire;

20. To manage and control the city's finances and to examine accounts, claims, and demands against the city as provided for in this charter, and to allow and cause same to be paid or rejected, in whole or in part, as found just and legal or otherwise;

21. To allow not to exceed five hundred dollars in any one year for the observance and celebration of Memorial Day, Fourth of July, and such other occasions as may promote the public interest and welfare;

(*c*) *Powers relating to public health, welfare and safety.*

22. To determine what are nuisances and prevent and remove the same;

23. To establish and maintain fire limits and to regulate building and construction within the municipality;

24. To regulate or prohibit the excavation or construction and use of cesspools, privy vaults, privy pits, etc., within said city or any part thereof;

25. To regulate or prohibit the manufacture, keeping, storage, transportation and use of powder, dynamite, gun-cotton, nitro-glycerine, fireworks and other explosive substances and materials;

26. To regulate the use of steam, gas and other engines and steam boilers, elevators and other machinery within said city;

27. To regulate the storage and deposit of hay, straw, and other inflammable material;

28. To regulate, license or prohibit the construction and use of billboards and signs adjacent to or near the streets, alleys and public places of the city;

29. To regulate the entrance to and exit from all theaters, lecture rooms, public halls, schools, churches and public buildings of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the halls, aisles or open places therein;

30. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street and other railway companies using or crossing the public streets of the city; to require railroad companies to station flagmen and place gates or viaducts at all such street crossings as it may deem proper; to require street cars to be provided with adequate fenders and other appliances for the better protection of the public; to prohibit the making up of railroad trains upon any of the streets, street-crosssings or street intersections of the city; to regulate the speed with which persons may ride, drive or propel bicycles, tricycles, automobiles or other vehicles along or upon any of the streets or highways of the city;

(*d*) *Police and criminal powers.*

31. To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment or both; but no such fine shall exceed five hundred dollars nor the terms of imprisonment exceed six months;

32. To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city;

33. To regulate or prohibit the sale of intoxicating liquors within the limits of the City of Riverside;

34. To establish and maintain a public pound; to regulate or prohibit the running at large of animals within the city and to provide for the impounding, sale or destruction of such animals as may be found at large in violation of its ordinances and regulations;

35. To prohibit by ordinance, within the City of Riverside, the killing, wounding, trapping, or injury of any and all song birds and all harmless wild birds, other than birds commonly known as game birds or the destroying or injuring of the nests of such birds or the removing or injuring of their eggs;

36. To enact such necessary measures to prevent truancy from the public schools and compel attendance therein, as may be recommended by the board of education and to authorize said board or proper officer to enforce the same;

(e) Streets, sewers and drains.

37. To build and repair bridges; to establish, lay out, alter, keep open, close, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city; to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish the grades thereon; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks thereon or on any part thereof; to cause to be planted, set out and cultivated, shade trees therein; and generally, to manage and control all such highways and places; and in the exercise of the powers herein granted, to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

38. To set apart as a boulevard or boulevards, any street or streets or part of a street, and to lay out, construct and improve boulevards as a part of the park system of said city;

39. To construct, establish and maintain drains and sewers;

40. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewerage unfit for irrigation;

41. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien against such property;

42. To form, out of any territory within said city, storm water districts, and provide that the real estate in each district so formed be assessed to pay the expense of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom, *provided* no such district shall be formed if a protest, signed by the owners of two thirds in assessed value of all the real property in such proposed district as it appears on the assessment roll as assessed for city purposes, be filed before the final passage of the resolution or ordinance providing for the formation thereof;

43. To form drainage districts for the purpose of draining swamp or wet lands and caring for water from irrigation, and provide that such district so formed be assessed to pay the expenses of constructing the necessary drains, conduits and drainage works and rights of way therefor;

44. To acquire, construct, operate and maintain, to grant the right to construct, operate and maintain, and to regulate and prohibit the construction and maintenance of all pipes, tubes, conduits, poles, wires and other electric, telegraph and mechanical apparatus in, along, over, under and across all public streets, alleys and public places of the city, and to grant franchises as in this charter provided;

45. To cause the removal and placing underground of all telephone, telegraph, electric or other wires or cables within the city or within any designated portion thereof;

46. To provide for planting and maintaining shade trees and shrubbery along the public streets and caring for the same at the expense of the abutters;

47. To require the owners of real estate in the city to remove grass, weeds and obstructions from the sidewalk in front of their property, and upon their default, to cause such work to be done and the cost thereof to be made a lien upon such property;

48. To provide for the removal of weeds, rubbish or any material from lots which may endanger or injure neighboring property or the health or welfare of the residents of the vicinity and assess the expenses thereof upon such lot and make it a lien thereon;

49. To make provision for cleaning, sprinkling and oiling streets, alleys, sidewalks, crossings and highways, and to provide for the payment of the expense thereof as to any or all of such streets, alleys, sidewalks, crossings and highways, in whole or in part, by a charge and lien upon the lands fronting upon the places so cleaned, sprinkled and oiled.

(f) Powers over trade and commerce.

50. To provide for the inspection and sealing of all weights and measures used in the city and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed; and to regulate the sale and quality of all oils and gasoline and provide for the testing thereof;

51. To regulate telephone service and the use of telephones, and to fix and determine the charges for telephones, telephone service and connections within the city;

52. To regulate the use, distribution, quality, pressure and sale of water, gas, electric light and power, and other light and power, within the city, and to fix and determine the price thereof, as well as the rental price of all meters used in the measurements of said commodities and to provide for the inspection and correction of such meters;

53. To provide for and regulate the inspection of all food, food products, water, ice, and refreshments offered for sale in the city, and to provide for the taking and summarily destroying of any such articles or products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city of such unsound, spoiled, adulterated or unwholesome articles or products;

54. To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale or sell any of their product in the city; also to provide for the inspection of slaughter houses, vegetable and fruit gardens, whose products are sold in the city;

55. To establish stands for, and regulate the charges of hacks, public carriages, express wagons, drays, automobiles or other public vehicles for hire and require schedules for such charges to be posted in or upon such public vehicles.

(g) Incidental and general powers.

56. To do and perform all other acts and things not herein enumerated but required by this charter or by law or necessary or incidental to the exercise of any power conferred upon said council;

SEC. 16. The powers given in this article to the council shall be considered to be general powers of the city, whether they are exercised by the council or hereinafter conferred on other boards, and they shall not be construed to limit similar powers given hereinafter in this charter to other boards, unless the powers of said boards are specifically made subject to those of the council.

ARTICLE IV.

RELATING TO OFFICERS OF THE CITY IN GENERAL.

Chapter 1. Officers of the City.

SECTION 17. The officers of the city shall be:
Mayor,
One councilman from each ward,
City clerk who shall be ex-officio city assessor,
City auditor,
City treasurer who shall be ex-officio tax collector,
City attorney,
Judge of the police court,
City engineer,
Superintendent of streets,
Five park commissioners,
Five members of the board of education,
Five directors of the Riverside Public Library,
Five members of the board of health,
Five members of the board of public utilities,
Chief of police,
Chief of the fire department.
Health officer,
And such other officers as the council shall, under this charter, have power to create.

Chapter 2. Salaries of Officers.

SECTION 18. The officers of the city in this section named shall receive in full compensation for all services of every kind rendered by them, the following salaries payable in equal monthly installments at the end of each calendar month, viz:

The mayor, twelve hundred dollars per annum;

Each member of the council, three dollars for each regular meeting of the council which such member shall attend; *provided*, that the number of such regular meetings for which compensation shall be paid shall not exceed four during any one month and that the member shall be present at the roll call which must be read upon the hour set for the said meeting, and the city clerk must certify that these provisions have been complied with and to the number of regular meetings so attended before demands for salaries of councilmen can be allowed or paid.

City clerk and ex-officio city assessor, twelve hundred dollars per annum;

City auditor, eighteen hundred dollars per annum;

City treasurer and ex-officio tax collector, six hundred dollars per annum; *provided*, that during such period and as long as the city treasurer shall collect the regular city taxes, as hereinafter provided, his salary shall be nine hundred dollars per annum.

SEC. 19. Except where such power is herein given to other boards of the city, the council shall by ordinance fix the salary of all other officers herein created or hereafter created by ordinance, whose salaries are not herein fixed or otherwise provided for.

SEC. 20. The salary of any elective officer as fixed by this charter may be changed by ordinance of the council, but such ordinance must be adopted at least sixty days previous to an election at which such officer is to be elected and shall not take effect until the regular time for taking office after such election.

SEC. 21. The members of the board of education, directors of the Riverside Public Library, members of the park commission, members of the board of health (serving as such members) and the members of the board of public utilities (serving as such members) shall serve without compensation.

Chapter 3. Official Bonds.

SECTION 22. Officers and employés of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law this charter or by ordinance of the city.

SEC. 23. All such official bonds must be given by some lawfully authorized and approved surety company and the city shall pay the premium therefor; *provided*, that the premium paid shall not exceed one half of one per cent per annum; *and provided further*, that if the council deems the premium charged to be excessive, then in that event the council may accept bonds with approved personal sureties.

SEC. 24. Every bond given by any officer or employé must be approved as to form by the city attorney and must be approved by the council, subject to the veto of the mayor. The approval of every bond must be endorsed thereon and signed by the city attorney and certified by the city clerk. Upon the approval of a bond, it must be recorded in the office of the city clerk in a book kept for that purpose, as elsewhere provided. After recording, all official bonds shall be filed and kept in the office of the city auditor, except the auditor's bond, which shall be filed and kept in the office of the city clerk.

SEC. 25. The following-named officers shall execute official bonds to the city in the following sums, to wit:

City treasurer and ex-officio city tax collector, in the sum of thirty thousand dollars;

City clerk and ex-officio assessor, in the sum of five thousand dollars;

City auditor, in the sum of ten thousand dollars;

City engineer, in the sum of two thousand dollars;

Superintendent of streets, in the sum of five thousand dollars;

Members of the council, in the sum of three thousand dollars each;

Mayor, in the sum of five thousand dollars;

Chief of police, in the sum of five thousand dollars.

SEC. 26. The council may at any time by ordinance, increase or decrease the penal sum of any bond or require bonds of any officer and employé and fix the amounts thereof.

SEC. 27. No city officer, deputy or employé shall be accepted as surety for any other city officer, deputy or employé on any official bond or on any bond given to the city for any other purpose.

The form and conditions of all official bonds, other than surety company bonds, the affidavits and justification thereon, shall be as is required by the general laws of the State in force at the time such bonds are given.

SEC. 28. Every officer shall be liable on his official bond for the acts and omissions of his deputies, assistants, clerks, and employés appointed by him, and of each of them, and every official bond shall contain such a condition. All officers may require of their deputies, clerks or employés, bonds of indemnity with sufficient sureties for the faithful performance of their duties, and all boards and departments may require bonds of their officers, clerks and employés, the amount of such bonds to be fixed and the bond approved by the council.

SEC. 29. In the event that any official bond of any officer of the city or of any officer or employé under any board or commission shall be reported in writing to the mayor to be insufficient, the mayor and council shall determine the status of such bond and in all such cases be the final authority in relation thereto, and in case additional security shall be demanded, said officer or employé shall perform no official act without the approval of the mayor, until such new bond shall be given and approved, and in case of his failure to file such additional bond within fifteen days, he may be removed by the council if the officer is elected and by the mayor if the officer or employé is appointed; and it shall be the duty of the mayor at once to take into his charge all books and papers, money, and other public property at the time in the hands or under the control of such officer or employé so notified, and retain the same until such additional security is given or the election or appointment and qualification of a successor to such officer or employé. For the better enforcement of this section, the mayor is authorized to commence and prosecute at the cost of the city, in his own name, all appropriate actions and proceedings.

Chapter 4. Oath, Appointment and Term of Officers, Deputies and Employés.

SECTION 30. Every officer or deputy provided for in this charter or created in pursuance thereof shall, before entering upon the discharge of the duties of his office, take and file with the city clerk the constitutional oath of office.

SEC. 31. Every elective or appointive officer of the city shall hold office during the term prescribed by this charter, or as prescribed by ordinance, if such office is hereafter created, and until his successor is elected or appointed and has qualified.

SEC. 32. All appointments of officers, deputies, superintendents and heads of departments to be made under any provision of this charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer, making the same. One of the duplicates must be filed with the city clerk and the other with the auditor.

SEC. 33. In all voting upon the appointment, confirmation, suspending or removal of officers, deputies and heads of departments, the members of the council or any board having jurisdiction, shall vote by call of roll and the vote of each member shall be spread upon the minutes.

SEC. 34. Whenever it is provided in this charter that the members of any board, department or commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered on the record of their proceedings and a copy of such record, certified by the secretary of said board and signed by all the said members, shall be filed with the city clerk.

SEC. 35. Any officer appointed by the mayor shall hold office at the pleasure of the mayor and may be by him removed at any time, but in case of any such removal the mayor shall file his reasons therefor with the council. The approval of the council shall not be necessary.

The qualification for office of any mayor at any time shall end the term of any appointive officer then in office other than members of boards or commissions; *provided*, that all officers shall hold office until their successors have been elected or appointed and have qualified.

SEC. 36. Any vacancy in the office of member of the council shall be filled by a special election in the ward from which such member was elected. Such election shall be called by the council and shall be held not more than thirty days after such vacancy occurs, and the person elected shall hold office for the unexpired term. Vacancies in all other elective offices shall be filled by the council, the affirmative vote of a majority of the whole council being necessary therefor, and except in case of a vacancy in the office of mayor, the approval of the mayor shall also be necessary. In all such cases, except vacancies in the office of councilman, the officer so appointed shall hold office until the next succeeding general municipal election, at which time the office shall be filled for the balance of the term by election. Vacancies in all appointive offices shall be filled by appointment of the mayor, and the person so appointed shall hold office for the unexpired term. All persons elected or appointed to fill vacancies must possess the qualifications required of the office so filled.

SEC. 37. The city auditor, city clerk, city attorney, and the city treasurer may appoint, remove or suspend such deputies, assistants, and clerks, and the city engineer and superintendent of streets may appoint, remove or suspend such deputies, assistants, clerks, laborers and other employés as the duties of their offices and the work of their departments may require; *provided*, the number of such appointees and their compensation shall be fixed by the council.

SEC. 38. All departments and offices which may hereafter be created by the council shall be subject to the same provisions as to appointment and removal of heads of departments and other officers by the mayor as are respectively the executive officers and appointive boards herein provided for.

Chapter 5. Sundry Duties of Various Officers.

SECTION 39. All city officers except the mayor, the members of the council, and of the various boards of the city shall devote their entire time during business hours to the interests of the city, except when otherwise provided by this charter or by ordinance.

SEC. 40. All books, papers, archives, plats, maps, charts, records, files, stationery, documents and memoranda, made or made use of by the officers, boards, commissions or employés of the city in the performance of their official duties or in any way pertaining to their respective offices, shall be deemed and considered as belonging to the city and shall be delivered, together with all city property, moneys, bonds or other things in their possession or under their charge and control, upon going out of office, to their respective successors in office, who shall give duplicate receipts in writing therefor, one of which shall be filed with the city auditor by such successor.

SEC. 41. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies of extracts from said books and records shall be given by the officer having the same

in custody to any person demanding the same and paying or tendering ten cents a folio of one hundred words for such copies or extracts, but the records of the police department shall not be subject to such inspection, except permission be given by the mayor or by the chief of police.

SEC. 42. No officer or employé shall be compensated by fees or commissions unless specifically so provided herein or by ordinance, and all fees or commissions shall be immediately paid over to the treasurer.

SEC. 43. Every executive and judicial officer of the city, except the mayor and city attorney, and every other officer and agent of the city charged with the collection or disbursement of any money of the city, shall furnish at the end of each month to the council a full and detailed statement upon oath of all moneys received or disbursed by him and of his official transactions during such month. Like statements shall be made at and for such other times as the council may require.

SEC. 44. All officers of the city shall keep their respective offices open for the transaction of business from the hours of eight in the forenoon until five in the afternoon of each day, Sundays and legal holidays excepted, unless otherwise provided by ordinance.

SEC. 45. It shall be the duty of every officer or employé of the city, when it shall come to his knowledge that any contract or agreement with the city or any officer or department thereof or relating to the business of any office, has been or is about to be violated by the other contracting parties, forthwith to report to the mayor all facts and information within his knowledge or possession concerning such matter, and a willful failure so to do shall be cause for removal of such officer or employé, as in case of malfeasance in office. The mayor shall give a certificate on demand to any person reporting such facts and information that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty.

SEC. 46. All officers of the city shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or before any board or committee thereof or concerning any demand on the city treasury, and the city clerk shall have the power to administer all oaths and affirmations required by this charter; for which no charge shall be made by any officer.

SEC. 47. The mayor, council and each board and commission provided for in this charter, or committee thereof, shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence, papers, records and books before such mayor, council, board, commission or committee, as the case may be, by subpœna, to be issued in the name of the City of Riverside, and to be attested by the city clerk. The city clerk shall upon the demand of the mayor or the president of the council or the presiding officer of any such board, commission or committee, issue such subpœna in the name of the city and attest the same with the corporate seal thereof and shall in such subpœna direct and require the attendance of the witness or witnesses sought to be summoned before the mayor, council or the respective board, commission or committee, requiring the attendance of such witness or witnesses and the production of the records, book or papers in said subpœnas specified. The chief of police shall cause said subpœnas to be served by some member of the police department upon the person or persons required to attend before the council, board, commission or committee in such subpœnas designated. The council shall from time to time adopt ordinances providing suitable penalties for disobedience of such subpœnas and the refusal of witnesses to testify before such council, board, commission or committee when required so to do.

SEC. 48. After the adoption of this charter, each appointive board of the city shall meet and organize immediately upon the qualification of all members of said board or a majority thereof. Thereafter they shall organize annually on the second Monday in January at 10 o'clock, A. M., or as soon thereafter as the new members shall have been appointed and have qualified.

SEC. 49. Whenever special meetings of the council or of any other board or commission of the city, except the board of health, are called, written notice thereof shall be served on each member personally or by mail addressed to his place of residence; if by mail, the notice, postpaid, shall be deposited in the postoffice of the city at least twenty-four hours before the time of meeting; if served personally it shall be so served at least three hours before the time of meeting.

Such special meeting may be called by the mayor or by two members of the council, board or commission, as the case may be. No business shall be transacted at any special meeting except that mentioned in the call, unless otherwise provided herein.

SEC. 50. The council or a committee of the council duly authorized by it may investigate any department of the city government and the official acts and conduct of any city officer or employé.

Chapter 6. Specific Prohibitions and Penalties for Officers and Employés.

SECTION 51. If any member of the council or of any board or commission of the city shall absent himself from the city for more than thirty days consecutively or if any other officer of the city shall absent himself from his office for more than ten days consecutively, without the consent of the council in either case, or if there

exists any reason sufficient in law for the removal of any officer, his office shall thereupon be declared vacant by the council if the office is an elective one and by the mayor if the office is an appointive one. The council must not grant leave of absence to any officer, except for the purpose of attending to official business, for a longer period than sixty days; *provided*, that such permit may be renewed if good and sufficient reason exists therefor.

SEC. 52. Whoever, being a city officer or being in nomination for or while seeking nomination or appointment for any city office, shall use or promise to use, whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor. And every person found guilty of such misdemeanor as aforesaid shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

SEC. 53. No officer or employé of the city shall become a party worker or solicitor or active partisan in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

SEC. 54. Any officer of the city who shall, while in office, accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employé or from any candidate or applicant for any position as employé or subordinate under him, shall forfeit his office.

SEC. 55. No person in the service of the city is under any obligation to contribute to any political fund or to render any political service and no person shall be removed, reduced in grade or salary or otherwise prejudiced for refusing so to do. Any officer or employé of the city convicted of violating any of the provisions of this section shall be removed from office.

SEC. 56. No member of the council shall hold any other city office or hold any office or employment, the compensation for which is paid out of the city moneys, or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected, or be interested directly or indirectly in any contract with the city, or be in the employ of any person having any contract with the city or of any grantee of a franchise granted by the city.

SEC. 57. Any officer or employé of the city may be suspended or removed for notorious non-payment of his debts or gross disregard of his financial obligations.

SEC. 58. No member of the council or of any board provided for by this charter and no officer or employé of the city shall be or become directly or indirectly interested in any contract, work or business, the consideration, price or profits of which are payable in whole or in part from the city treasury or school funds and are determined or in any way directly affected by any official act of said council, board, officer or employé, respectively; or in the sale of any article, the price of which or the purchase of which by or for the city or by or for the public schools thereof, depends directly or indirectly upon any official act of such council, board, officer or employé respectively. No member of the council or of any board provided for by this charter and no officer or employé of this city having any authority or power relating to or affecting the granting of any franchise, right or privilege, shall be or become directly or indirectly interested in any such franchise, right or privilege. Any member of the council or of any board herein mentioned and any officer or employé of the city violating the provisions of this section shall forfeit his membership or office or employment; and all contracts made or rights, franchises or privileges granted in violation of this section shall be absolutely void.

SEC. 59. The council shall institute all suits necessary to remove persons from office for cause and for the enforcement of all proper penalties, but this shall not be construed to prevent any citizen bringing any proper suit to remove from office any officer for any sufficient cause specified in law or this charter, or construed to limit the power of the mayor in making removals and suspensions and preferring charges, given elsewhere in this charter, and it shall be the duty of the mayor to remove from office any appointive officer violating any of the provisions of this chapter or this charter.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Chapter 1. The Mayor.

SECTION 60. The chief executive officer of the City of Riverside shall be designated the mayor. He must be at least thirty years of age and shall have been a resident and qualified elector of the city for the three years next preceding the day of his election.

SEC. 61. He shall be elected by the qualified electors of the city at each general city election and shall hold office for two years and until his successor is elected and has qualified.

SEC. 62. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired term by the council, assembled for that purpose, and any person possessing the necessary qualifications may be chosen mayor at such election by a majority vote of the whole council. A member of the council during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

SEC. 63. During the temporary absence or disability of the mayor or in case of his neglect or refusal to act, the president of the council shall act as mayor pro tempore and during such period shall possess the powers of the mayor and perform his duties; *provided*, that he shall not remove from office any person subject to removal by the mayor, unless such absence, disability, neglect or refusal to act continues for a period of at least sixty days, except he may suspend as provided herein, at any time, any officer. If such period continues thirty days or less, the mayor shall be entitled to his salary and the mayor pro tempore shall not receive any compensation other than that as councilman. Thereafter, during any further period of disability, neglect or refusal to act or absence, unless said absence is due to the business of the city, the mayor's salary shall cease and shall be paid to the mayor pro tempore who shall not receive any salary as councilman during such period.

SEC. 64. Within fifteen days after reassuming his powers and duties after any disability or absence, the mayor shall have the power by filing a written notice with the city clerk, to recall any ordinance, resolution, contract or grant of a franchise which has been passed by the council and approved or disapproved by the mayor pro tempore during such period, and by such action the approval or disapproval of the mayor pro tempore is rendered null and void and of no effect, and the mayor shall then have a further period of ten days in which to exercise the powers and duties in relation to approving or disapproving such ordinance, resolution, contract or grant of a franchise as are provided in this charter; *provided*, that the foregoing provisions shall not apply to any ordinance, resolution, contract or grant of a franchise which at the date said notice was filed with the city clerk by the mayor, has already gone into full force and effect under the provisions, exceptions and time limit as contained in Section 259 of Article XXI of this charter.

SEC. 65. The mayor shall preside over the council when in session and shall have authority to preserve order, to enforce the rules of the council and to determine the order of business, subject to such rules and subject to the right of appeal to the council. He shall not be entitled to a vote except in case of a tie, when he shall have the casting vote.

SEC. 66. He shall see that the laws of the State of California, the provisions of this charter and the ordinances of the City of Riverside are strictly enforced and duly observed within said city.

SEC. 67. He shall have a general supervision over all the departments and public institutions of the city and shall see that they are honestly, economically and lawfully conducted. The mayor shall from time to time recommend to the proper officers of the different departments such measures as he may deem beneficial to the public interest. He shall have the general supervision of all city officers, elected or appointed. He shall vigilantly observe the conduct of all public officers and employés.

It shall be his duty to receive and examine into all complaints made against such officers and employés for violation or neglect of duty. Any defalcation, dereliction, refusal to act, willful neglect of duty, unlawful absence from the city, official misconduct or incompetency which he may discover or which may be reported to him shall be laid by him before the council or other proper board. If such person is subject to removal by the mayor it shall be his duty at once to remove him according to the provisions of this charter.

SEC. 68. He shall, at least once in each month, and may at any other time, together with the city attorney and the city clerk, count the cash in the city treasury and see that it corresponds with the books of the treasurer and the auditor and report the result of such count to the council at its next meeting.

SEC. 69. He shall have the books and records of all public departments pertaining to the finances of the city and may of all institutions, objects or causes which are in part or wholly maintained or assisted by money appropriated by the city, audited by a competent person expert in such matters, at least once in every year. Such person shall make a full written report to the mayor and council of the results of such examination and of recommendations based thereon. The mayor may at any time, with or without notice, investigate in person or through one or more competent persons appointed by him for the purpose, the offices and accounts of any department, board or officer of the city or of any employé and the official acts and conduct of any official or employé in the service of the city, and the money, securities and property belonging to the city in the possession or charge of such department, board, officer or employé. Any person refusing to permit such examinations or purposely delaying or impeding the same, may be removed from office by the mayor if removable by him under this charter, or if not removable by the mayor may be suspended from office by the mayor and removed for malfeasance

in office. The expense of any such investigation shall be paid out of the general fund in the same manner as other claims against the city are paid. The result of all such investigations and examinations shall be reported to the council and such report filed with the city clerk.

SEC. 70. For the purpose of examining into the conduct of any board, commission, committee or other body intrusted with interests pertaining to the city, or for any other purpose, the mayor shall have power to call a special meeting of such board, committee, commission or other body. At such meeting, unless otherwise provided herein, only such business may be transacted as is mentioned in the call therefor.

SEC. 71. The mayor shall have the right to be present at regular, special or executive sessions of any board, commission, committee or other body intrusted with the interests of the City of Riverside, and shall have the right to sit in such body and take part therein, but shall not have the right to vote, except as specifically provided herein.

SEC. 72. Whenever he considers it advisable, the mayor may call upon the heads of departments or other officers for such reports relating to the public business under their control and management as he may require of them, and it shall be their duty to prepare and submit the same at once to the mayor.

SEC. 73. The mayor may at any time, and at his own pleasure, remove from office or position any officer not elective, provided the cause therefor shall be stated in writing, which writing shall be filed with the city and a copy thereof given to such officer, but the same need not be made public unless by direction of the mayor or on request of the officer so removed.

SEC. 74. The mayor shall have the power to suspend, pending an official investigation, any officer of the city, except councilmen, or any employé thereof after refusal of the head of his department to so suspend him, for any official defalcation, dereliction, refusal to act, willful neglect of duty, official misconduct, incompetency, unlawful absence from the city, or if the official bond of such official or employé shall be deemed by the mayor to be insufficient for any cause, or if any of the sureties on said bonds have withdrawn therefrom, and other and sufficient sureties have not immediately qualified thereon.

SEC. 75. Any elective officer, except councilmen and mayor, may be removed by the council upon charges preferred by the mayor; *provided*, that such charges are, by law, by this charter or the ordinances of the city, made sufficient cause for removal from office. Such charges may originate, however, in the council or from any citizen and shall be presented in writing to the council and a copy furnished to such officer, who shall have the right to appear before the council in person and by counsel and be heard in his defense. If such charges be sustained by an affirmative vote of not less than five members of the council and approved by the mayor, the officer shall be deemed removed and his place filled as in case of other vacancies, or the council may, with the mayor's approval, continue such suspension for such time as it deems proper. Otherwise the charges shall be dismissed and such officer, if he has been suspended, shall thereupon be restored to office.

SEC. 76. The mayor shall appoint all officers of the city and fill all vacancies in office where provision for such appointment is not otherwise specifically made in this charter or by law.

SEC. 77. The mayor shall take all proper measures for the preservation of public order and the suppression of all riots, tumults and unlawful assemblies, for which purpose he may use and command the police force, and in such case shall have power to add to the police force and call upon the citizens as may in his judgment be required. If the police force of the city is insufficient he shall call upon the governor for military aid, in the manner provided by law, so that such riots, tumults or unlawful assemblies may be promptly and effectively suppressed.

SEC. 78. The mayor may on his own motion, and must upon a resolution passed by the council directing him so to do, cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city to any person, company or corporation, which have been forfeited in whole or in part, or which for any reason may be irregular and void and not binding upon the city, and the city attorney, upon demand of the mayor, must institute and prosecute the suits or actions required to enforce the provisions of this section. Each mayor taking office under this charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the city, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in his next annual message or report, or at such other times as he may deem proper.

SEC. 79. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part.

SEC. 80. The mayor shall sign all conveyances made by the city, unless otherwise provided in this charter, and all contracts to which it is a party, unless otherwise provided herein; shall acknowledge the execution of all instruments executed by said city that require acknowledgment, and shall sign demands as elsewhere provided herein.

SEC. 81. The mayor shall have the veto power as provided in this charter. In case an ordinance or resolution of the council shall appropriate money, the mayor may approve one or more items in such ordinance or resolution and disapprove the others. In such case, those which he shall approve shall become effective, and those which he shall disapprove shall become effective only if again passed as provided in this charter.

SEC. 82. The mayor shall, at the end of each year of his official term, and at such other times as he may deem proper, communicate in writing to the council a general statement of the affairs of the city, together with such recommendations regarding the public health, the cleanliness and ornamentation of the city, the improvement of its government, its finances and such other matters as he may deem proper or beneficial.

SEC. 83. The mayor may contract such bills for typewriting and necessary clerical work as are required in the performance of his duties.

SEC. 84. The mayor shall perform such other duties and exercise such other authority and powers as may be prescribed by this charter.

SEC. 85. Any person who shall solicit personally, or through another, either for himself or for another, the appointment to, or retention in, any city office or position from a candidate or prospective candidate for election as mayor, previous to his election, shall thereby be guilty of a misdemeanor, and shall be punished therefor as provided by law.

Chapter 2. City Clerk and Assessor.

SECTION 86. The city clerk shall be at least twenty-five years of age and shall have been a qualified elector of the city for the three years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified.

SEC. 87. The city clerk shall have the custody of, and be responsible for, the corporate seal, all books, papers, documents, records and archives belonging to the city, not in actual use by other officers or committed to their custody by special provisions of this charter or ordinance. All papers and documents shall be filed under appropriate heads. He shall be the custodian of, and be responsible for, the city hall, unless otherwise provided for by ordinance, and of all personal property, the custody of which has not been otherwise provided for.

SEC. 88. He shall be present at all meetings of the council and shall keep a journal of its proceedings, with marginal notes and references thereon. He shall authenticate by his signature, certificate and the corporate seal of the city, all ordinances and other official acts of said council. He shall record in separate books to be kept for that purpose, all ordinances of the city, with his certificate annexed to each ordinance stating that the foregoing ordinance is a true and correct copy of an ordinance of the city, and giving the number, title, date of passage, the vote thereon and stating that the same had been adopted, approved by the mayor and published, posted or printed and mailed according to the provisions of this charter. Such record copy with said certificate shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceeding. Such records shall not be filed in any case but shall be returned to the custody of the clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. He shall, in separate books, also record all contracts to which the city or any officer thereof in his official capacity is a party, similarly attested, and all official bonds or other bonds given to or for the benefit of said city or in which it is interested. He shall keep all books and records properly indexed and cross indexed so as to afford instant access to any record, action or paper, whether looking in the index for the name of the officer, person, thing or place concerned, or the nature of the action desired, attempted or taken.

SEC. 89. He shall make out, sign and deliver to the city auditor all licenses other than building permits.

SEC. 90. The city clerk shall make monthly and annual reports to the council showing the number of licenses issued and the amounts, the condition of the property under his care and the expenses and receipts of his office.

SEC. 91. The city clerk shall perform such other duties and exercise such other powers as may be required of or conferred upon him by the ordinances of the city, the provisions of this charter or by the mayor and council.

SEC. 92. The city clerk shall be ex-officio assessor. As assessor he shall be present at all meetings of the city board of equalization, act as clerk of said board and keep a journal of its proceedings. He shall perform all the duties and shall possess such powers as may be prescribed by this charter, by the ordinances of the city or by law in relation to the assessing of property in the city for the purposes of taxation and shall collect such taxes upon personal property as are required to be collected by him, by law, by this charter or by ordinance.

SEC. 93. During such period as the city shall continue to avail itself of the provisions of the act of the legislature approved March twenty-seventh, eighteen hundred ninety-five, relating to the assessing and collecting of the city taxes by the county officials, said act being particularly referred to in Article XV, Section 234, of this charter, the duties and powers as ex-officio assessor herein conferred on the

city clerk shall be deemed inoperative, and they shall not take active force and effect until the mayor and council shall enact an ordinance providing for the assessing and collecting of all city taxes by the city assessor and city tax collector, and abolishing the provisions under which said taxes are assessed and collected by the county officers of Riverside county.

Chapter 3. The City Auditor.

SECTION 94. The city auditor shall be at least twenty-five years of age, a citizen of the State, and shall have been a resident of the city for a period of two years next preceding the day of his election. He shall be elected by the qualified electors of the city, and shall hold office for four years and until his successor is elected and has qualified.

SEC. 95. The city auditor shall possess such powers, perform such duties and keep such records in relation to the investigation, approval, disapproval, endorsement, verification, numbering, registration and delivery of claims and demands as are elsewhere set forth in this charter, and as set forth in the report of the board of city accounting. He shall sign all demands on the city treasury except as otherwise in this charter provided.

SEC. 96. It shall be his duty to be constantly acquainted with the exact condition of the city treasury. He shall, on the application of any person indebted to the city or any officer or person holding money payable into the city treasury or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable and by whom to be paid. He shall, upon the written order of the city treasurer directing him to issue a receipt for money paid into the city treasury, charge the city treasury with the money and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys at any time in the city treasury, not otherwise by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation.

SEC. 97. He shall, at the first meeting of the council every month and oftener if required, report to the council the condition of each fund in the treasury. He shall make a similar report to the mayor at any time when requested by the mayor in writing so to do. On or before August first of each year unless said date is changed by ordinance, he shall make an annual report to the council showing in detail the sources from which the revenue of the city was derived and how expended during the year ending June thirtieth of said year, segregating therein the different departments and funds and business interests of the city. Said report shall also give a detailed statement of the debt of the city, of the purposes for which such debt had been incurred, of the accounts of said city with the grantees of franchises, and inventory of all public property of the city together with its condition and approximate value and shall also include a summary of the assets and liabilities of the city and of unpaid demands. The council shall publish this report or a condensed summary thereof, prepared by the auditor, in a daily newspaper of the city or print the same in pamphlet form for free distribution. He shall make the annual estimate and budget preliminary to the levying of taxes by the council referred to in Article XV, Section 229.

SEC. 98. He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner, as hereinafter provided, every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person, so that he can tell at any time the exact condition of the city finances. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city, its debts, revenues and other financial affairs.

SEC. 99. The city auditor shall act as the general accountant and fiscal agent of the city and shall exercise a general superintendence over all the officers and employés of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall examine their accounts and books at least once in each month and if they be found incorrect, he shall at once notify the mayor in writing. He shall keep or cause to be kept under his direct control, all financial and property records, books and accounts of departments, boards and officers of the city government, except those of the city clerk, ex-officio city assessor, city treasurer, ex-officio city tax collector and board of education. Monthly and annual reports shall be made to the council of the financial transactions and condition of each department. His authority over such records, the manner of keeping the same and the control over the deputies and clerks engaged in such work shall be paramount and shall not be subject to the authority of the board, commission or officer at the head of such department, but shall be subject only to the provisions of this charter and to the report of the board of city accounting hereinafter referred to.

SEC. 100. There is hereby constituted and appointed a board of city accounting consisting of five members, and the following citizens are hereby appointed to serve on said board:

W. G. Fraser, W. B. Clancy, Stanley J. Castleman, William L. Peters and Frank F. Chase, who shall serve without compensation. For the purpose of this

section this charter shall take effect immediately upon its approval by the legislature and the members of the board of city accounting herein appointed shall, within ten days thereafter, qualify by taking the oath of office before the city clerk of Riverside then in office. It shall be the duty of the said board by a majority vote thereof to originate and adopt such a system of accounting, books, records, reports, vouchers, receipts and blanks relating to the financial and property records and transactions of every department and office of the city government and prescribe such duties for the officers, deputies and employés therein concerned, as will clearly and systematically show the transactions of such departments and offices, and will harmonize one department with another, to the end that the accounts, books, records and reports in the auditor's office will show the financial and property records of the city as a whole and in detail, as clearly as would be the case in a private corporation conducted on modern business lines. To this end the board is authorized to employ expert advice, if thought wise by them, to incur other necessary expenses and to order the proper books, blanks and supplies. All expenses shall be certified to, and allowed by, the council elected under this charter and such bills shall be allowed and paid by the auditor and treasurer. The said board shall submit to said council a duly certified report of such system of accounts, books, records, reports, vouchers, receipts and blanks and such duties prescribed for such officers and employés. Said report shall be spread on the book of ordinances by the city clerk and shall thereafter have the full force and effect of a duly enacted ordinance of the city, requiring compliance by all departments, officers and employés of the city. Thereafter such system of accounts, books, reports, vouchers, blanks and receipts shall be changed only by a duly enacted ordinance of the council approved by the mayor, except as otherwise provided in Article XVI, Section 246 of this charter. In minor matters of detail such report, if it so states, may supersede provisions of this charter relating to any manner herein committed to said board. The said board shall lapse with the entering of such report on the book of ordinances by the city clerk.

SEC. 101. The city auditor shall countersign all licenses and permits issued by any city officer or board, wherein money is to be paid for the use of the city and shall charge the proper officers with the proper amount. No such license or permit shall be valid unless countersigned by him.

SEC. 102. He shall keep in his office in a place accessible and open at all times during office hours to the public, a book containing a list of the names of all persons or corporations who are bondsmen for the officers of the city, giving the names of the officers for whom they are bondsmen and the amounts for which they are severally holden. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city, with the amount of monthly salaries or wages received by each opposite his name, which list shall be revised and corrected by him monthly.

SEC. 103. He shall perform such other duties and possess such other powers as may be required of or conferred upon him by the provisions of this charter or by said report of the board of city accounting.

Chapter 4. City Treasurer and Tax Collector.

SECTION 104. The city treasurer shall be ex-officio tax collector. He shall be at least twenty-five years of age and shall have been a qualified elector of the city for the three years next preceding the day of his election. He shall be elected by the qualified electors of the city and shall hold office for four years and until his successor is elected and has qualified.

SEC. 105. The treasurer shall receive and keep all moneys that shall come to the city from taxation or otherwise and pay the same out on demands properly audited in the manner provided for in this charter and without such auditing he shall disburse no public funds whatever, except the principal and interest on the bonded indebtedness of the city when the same shall be payable.

SEC. 106. He shall keep an accurate account of all his receipts and disbursements under such rules and regulations as are provided for in this charter by the report of the board of city accounting or as may be prescribed by ordinance.

SEC. 107. He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor, provided for in Article V, Section 96 hereof. He shall issue receipts in duplicate to all persons paying money into the treasury, one of which receipts shall be forthwith deposited with the city auditor.

SEC. 108. He shall make such reports to the city auditor as may be prescribed by the board of city accounting. He shall make a monthly statement to the council of all his receipts and disbursements during the preceding month. He shall make such special reports from time to time as may be required of him by the council or the mayor. On or before August first of each year, he shall make and deliver to the council a detailed report and itemized statement of all receipts and disbursements of the city treasury for the year ending June thirtieth, of said year, and of each of its funds during such year and of the amount in each of said funds at the end thereof.

SEC. 109. Except as hereinafter provided, the treasurer shall not lend or use, nor shall he deposit any of the moneys received by him as such treasurer, or any part thereof, to or with any bank, banker, corporation or person, nor shall he pay

out any part of such moneys nor allow the same to pass out of his personal custody, except as authorized by law or this charter. If the treasurer shall violate any of the provisions of this section he shall be deemed guilty of malfeasance in office, be suspended by the mayor and removed from office as provided herein.

SEC. 110. The mayor, city attorney, city auditor, the finance committee of the council or any special committee appointed by the council, separately or collectively and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and such officers and committees shall also have the right to inspect and count all public moneys under the treasurer's control or on special deposit elsewhere.

SEC. 111. It shall be in the power of the council, by ordinance, at any time to require the city treasurer to devote his entire time to the duties of his office during office hours.

SEC. 112. The city treasurer and tax collector shall perform such other duties and exercise such other powers as may be required of or conferred upon him by the provisions of this charter, the report of the board of city accounting or by the ordinances of the city.

SEC. 113. The city treasurer shall be ex-officio tax collector and as such tax collector he shall receive and collect all city taxes, general and special and other branches of the city's revenue not otherwise provided for by this charter or by ordinance. He shall keep proper books, showing all moneys collected by him as tax collector. He shall keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which book shall be properly indexed and shall be at all proper times open to public inspection. He shall pay all moneys collected by him as tax collector into the city treasury monthly. He shall make monthly and annual reports to the council of all money collected or received by him.

SEC. 114. As long as and during such period as the regular city taxes may be assessed and collected by the county officers of Riverside County as herein provided for in Article XV, Section 234, the duties of the treasurer as such ex-officio tax collector shall be deemed inoperative. Unless otherwise provided by ordinance or by law the treasurer shall collect all special assessments, liens or other special taxes.

SEC. 115. In case of suspension from office of the treasurer for any cause, the mayor shall appoint a treasurer who shall give the same bond as treasurer and who shall take charge of the office and funds and perform the duties of the treasurer during such suspension.

SEC. 116. The mayor and council shall have power to pass an ordinance in accordance with the provisions of section sixteen and one half of article eleven of the constitution of the State of California, or of any state law or laws passed in accordance with the provisions of said section sixteen and one half, said ordinance shall provide for the depositing of all moneys belonging to the city in national banks or in banks organized under the laws of this state and shall provide rules and regulations therefor. They shall have power, from time to time, to fix the interest rate, which shall not be less than two per cent per annum, to be paid by such depositary banks, or they may provide for bids and cause such deposits to be made in such bank or banks offering to pay the highest rate of interest, subject to the provisions of said section sixteen and one half. They shall have power to alter the duties of the city treasurer when necessary and establish proper rules for his government. They shall have power to relieve the treasurer from all liability for funds after being so deposited, except that he shall still be liable for loss from demands which he may unlawfully allow or pay out of such funds so deposited.

SEC. 117. The mayor and council shall have power to take advantage of any existing law or any law that may hereafter be passed, providing for the receipt and disbursing of city funds by the county treasurer of Riverside County, and may thereupon by ordinance abolish the elective office of city treasurer and provide for the duties of tax collector and supersede provisions of this charter conflicting with such changes. And the mayor and council may, by ordinance, repeal the ordinances referred to in this and the last preceding section, and thereupon revive and renew the provisions of this charter relating to the city treasurer and city tax collector.

Chapter 5. The City Attorney.

SECTION 118. The city attorney shall have been a qualified elector of the city for a period of two years next preceding the day of his appointment. He shall have been duly admitted to practice his profession by the Supreme Court of the State of California; he shall have been actively engaged in the practice of his profession for a period of five years next preceding his appointment. He shall be appointed by the mayor.

SEC. 119. It shall be the duty of the city attorney to prosecute on behalf of the people all criminal cases arising from the violation of the provisions of this charter and of city ordinances, resolutions and regulations. It shall be his duty to attend to all suits, matters and proceedings to which or in which the city or any officer thereof in his official capacity is a party or may be legally interested. Whenever any cause of action at law or equity or by special proceedings exists in favor of the city, he shall notify in writing the mayor, council, board or officer having jurisdiction over such matter. He shall commence and maintain all suits and

actions when directed so to do by resolution of the council or other board authorized herein to commence and maintain actions, or upon written request of any officer so authorized; and the council or such other board or officer so authorized, as the case may be, shall have control of all litigation so commenced and may employ other attorneys to assist the city attorney therein or to take charge thereof.

SEC. 120. He shall attend meetings of the council when so requested by the mayor or by the council or any member thereof, or as may be required by ordinance. He shall be the legal adviser of all city officers, boards and departments and shall give his advice and opinion in writing concerning any matter in which the city is interested when required by the mayor, council or other board or any committee thereof or by any officer or department of the city. When required in like manner, he shall draft any and all proposed ordinances, resolutions, amendments, laws, rules, contracts, bonds, deeds and other legal papers for the city.

SEC. 121. He shall approve by endorsement in writing thereon, the form of all official or other bonds required by this charter or by ordinance, resolution or order of the council, before the same are submitted to the council or mayor for final approval, and no such bond shall be approved by the mayor or council without such approval by the city attorney; *provided*, that the mayor shall approve the form of the city attorney's bond, if such there be. He shall approve in writing the drafts of all contracts before the same are entered into by or on behalf of the city. He shall approve by endorsement in writing thereon, the form of all deeds of real property acquired or sold by or on behalf of said city.

SEC. 122. The city attorney shall have charge and custody of all legal papers pertaining to his office, which shall be arranged and indexed by him in such convenient and orderly manner as to be at all times readily accessible. He shall keep a complete docket and duplicate pleadings of all suits, actions or proceedings in which the city or any department or official thereof is interested, pending in any court or tribunal, upon which docket such appropriate entries shall be made as to show at all times the condition of each one of such cases. He shall keep and record in a book to be provided for that purpose, the original or duplicate copies of all written opinions furnished by him to the city or to any department or official thereof, and shall make and preserve an index thereof.

SEC. 123. The city attorney shall present an annual report to the council, showing the business of his office for the past year, and shall present a report of all actions and proceedings in the superior and supreme courts where the city is an interested party, and shall show what cases have been disposed of during the year and in what manner, and the condition of those remaining on the calendar, or still pending.

SEC. 124. He shall do and perform such other things as may be required of him by the provisions of this charter and all such things touching his office as the council or mayor may require of him.

Chapter 6. City Engineer.

SECTION 125. The city engineer shall have had not less than five years practical experience as a civil engineer, next preceding the day of his appointment. He shall be appointed by the mayor.

SEC. 126. He shall perform such duties as the council may prescribe by ordinance.

Chapter 7. Superintendent of Streets.

SECTION 127. The superintendent of streets shall be at least twenty-five years of age, a citizen of the State and a resident of the city. He shall be appointed by the mayor.

SEC. 128. He shall perform such duties as the council may prescribe by ordinance.

ARTICLE VI.

EDUCATIONAL DEPARTMENT.

SECTION 129. The school department of the city shall comprise all the schools within the City of Riverside, including the present Riverside, Palm Avenue, Magnolia and Victoria school districts, the Riverside high school district, and all the territory that is now or may hereafter be annexed thereto for school purposes, and shall be known as Riverside city school district, which shall succeed to all the obligations, property, rights and privileges of the former districts as above named, and shall consist of primary, grammar and high schools as now established and may, at the discretion of the board of education, include kindergarten, manual training and domestic science schools; *provided*, that no school money shall be used for kindergarten, manual training and domestic science schools when such use will prevent the board of education from maintaining primary, grammar and high school for nine months of each year. All territory included within the limits of the Riverside city school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for the board of education and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department, and with the levying and collecting of all taxes for school purposes.

SEC. 130. The government of the school department of the city shall be vested in a board of education and shall consist of five members, to be elected from the school district at large, as herein provided, to be called members of the board of education who shall serve without compensation; *provided*, that the present school districts as above named in Section 129 shall each continue as such until the election and qualification of the first members of the board of education elected at large. The members of this board shall be elected at the first regular municipal election held under this charter. At their first meeting the members so elected shall so classify themselves by lot that two of the members shall go out of office on the first Monday in January, nineteen hundred ten, and three on the first Monday in January, nineteen hundred twelve, and thereafter said members shall hold office for a period of four years, and until their successors are elected and have qualified. At the second regular election held under this charter two members shall be elected and at the third regular election three members, to fill the places of those members whose terms expire, and thereafter, alternating, two and three shall be elected at the succeeding elections.

SEC. 131. No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age and who has not been a resident of the school district for the two years next preceding the day of his election.

SEC. 132. The officers for all elections called by the board of education shall receive not more than three dollars each as compensation for their services.

SEC. 133. The board of education shall enter upon the discharge of their duties on the second Monday after the second Tuesday in May, nineteen hundred seven; and the board shall meet upon said day and on the second Monday of January, nineteen hundred nine, and annually thereafter, and organize by electing one of their members president and his term of office shall be for one year and until his successor is elected. They shall hold regular meetings at least once each month at such time and place as may be determined by their rules. Special meetings may be called by the president or by written request of any two members as herein provided. No business shall be transacted at special meetings that has not been distinctly stated in the call. A majority of the members shall constitute a quorum, but a smaller number may adjourn from time to time; but the vote of three members shall be required for passing all orders for the expenditure of money and allowance of demands and for the election of teachers. The sessions of the board shall be public and its minutes open for inspection. The board may determine its rules for its proceedings, and the ayes and noes be taken when demanded by any member and entered upon the record of the board.

SEC. 134. The powers and duties of the board of education are as follows:

1. To establish and maintain public schools, including high schools, as herein provided; and at its discretion to establish kindergartens, manual training and domestic science schools; to change, consolidate and discontinue the same and to establish boundaries for each or any school building or any grade or grades in each or any school building, within which boundaries pupils must attend their respective building or grades.

2. To manage and control the school property; including the power to grade, fence and improve all school lots and the sidewalk and streets bordering the same; to select plans for and supervise and control the construction of school houses; to alter, repair, rent and provide school houses and to furnish the same with proper school furniture, apparatus and appliances and to provide the same with fire escapes, fuel, lights, water and all necessary supplies; to insure the same, including the contents, against fire, and to incur such other incidental expenses as may be deemed necessary.

3. To employ and dismiss the superintendent of schools and such teachers, janitors, school census marshals and other employés and laborers as may be deemed necessary to carry into effect the powers and duties of the board; to prescribe the duties to be performed by each and all of such employés, and to fix, alter, allow and order paid, their salaries or compensation; and to withhold for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; *provided*, that no election or appointment of a teacher or other person employed by the board of education shall constitute or be construed as a contract, either as to the duration of time or of wages to be paid; but no teacher shall be dismissed before the end of any school year in order to make place for another, or for any other reason than insubordination, immoral or unprofessional conduct or evident unfitness for fulfilling the requirements of the position.

4. To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools and determine what text-books, course of study and the mode of instruction that shall be used in said schools.

5. To take advantage of and follow the line of procedure of any law now in force or which may be hereafter enacted allowing municipalities, or any board or commission of the same, including boards of education, to insure their public buildings and school houses by other methods or means than through insurance companies.

6. The board of education shall have power, under this charter, to set aside a certain amount of money each year as an insurance fund, which amount shall be submitted to a special election of the qualified electors of the Riverside city school district, and may be raised by special tax so voted or by a bond issue so voted, and all such money so raised shall be deposited in some reputable savings bank or banks, either within or without the city. Said money shall be kept intact, together with the interest thereon, for the payment of loss by fire, earthquake or other extraordinary calamity, until such time as the aggregate of such insurance fund will amount to twenty thousand dollars or more, when the board of education may then withdraw the interest and divert it to the school fund. Such special or bond elections shall be held under the general school laws of the state for such elections; and it shall be the duty of the county treasurer after receiving such moneys to pay the same to the board of education on demand, and the county treasurer is hereby empowered and directed so to do. The board of education shall then at once deposit such moneys in the name of the Riverside city school district, and as above outlined and designated, and shall, as soon thereafter as possible, certify to the council where such money has been deposited and the purpose of such deposit; and thereafter, in order to withdraw any of the principal of said sum, the council must approve the order of the board of education withdrawing same or any part thereof, either to pay loss by fire or to transfer the funds from one bank to another.

7. To take and hold in fee or otherwise, in trust for the city, any and all real estate and personal property that may have been acquired or may hereafter be acquired by purchase, bequest or donation, for the use and benefit of the public schools of the city or for any educational purpose; to dispose of, at private or public sale, such personal property as shall be no longer required by the department, and to sell, exchange or lease any of such property; and to make, in the name of the district, conveyances of real property sold under the provisions hereof; *provided*, that all acts of the board of education relating to the sale or exchange of school houses or real estate belonging to the district be first ratified and approved by the council in order to make such transfer legal.

8. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose or school property, including gymnasiums, museums and athletic parks or grounds.

9. To sue for any and all property belonging to, or claimed by the board of education for the district, and to prosecute and defend all actions at law or equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the city attorney, free of charge, in all such cases.

10. To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age not less than five years at which they may attend the kindergarten.

11. To admit non-resident children to any department of the schools at their discretion, on the payment within the school year at such time as the board may direct, of tuition fees not less in amount than the per capita cost per pupil per year, based on the average attendance for the previous year.

12. To furnish books to children whose parents are unable to furnish the same, and all books so furnished shall be stamped with the name of the district, shall belong to the district, and shall be kept in the library when not in use.

13. To visit each school building in the district at least once in each three months and examine carefully into its condition, management and wants.

14. To discharge all legal incumbrances now existing or which may hereafter exist, upon any school property within the district.

15. To have uniform instruction given by all teachers throughout the entire school course, in manners and morals, and upon the nature of alcoholic drinks and narcotics and their effect upon the human system; to include in such teaching the principles of morality, truth, justice and patriotism; to teach pupils to avoid idleness, profanity, and falsehoods; to instruct them in the principles of free government, and to train them up to a true comprehension of the rights, duties and dignity of American citizenship.

16. To prevent truancy and compel the attendance of school children between the ages of six and fourteen who may be found idle in public places during school hours.

17. To prepare in July of each year, a detailed report showing the income and expenditures of the department and such other information as will fully show the work accomplished by the department during the previous year. A copy thereof shall be delivered to the city clerk.

18. To enforce such rules and regulations as may be made by the board of health of the city.

19. To appoint a superintendent of schools, prescribe his powers and duties from year to year and fix his salary.

20. To determine annually the amount of money necessary to be raised by taxation for the maintenance of the public schools, in addition to the amount of money to be received from the State and county; and the board shall, on or before the first day of August of each year, submit in writing to the board of supervisors of Riverside County, a careful estimate of all money to be received from the State and county and the amount required to be raised by taxation in addition thereto, and said county board of supervisors shall, and they are hereby authorized and directed so

to do, in each year when fixing the annual tax rate, levy and assess as a school tax for the support and maintenance of the school department, such amount as the board of education shall report necessary for that purpose; *provided*, that the aggregate of the amount to be thus levied for school purposes shall not exceed thirty cents on each one hundred dollars valuation of property appearing on the assessment roll of the Riverside city school district; *provided further*, that the limit herein mentioned shall not be construed as including any money to be raised by taxation for the payment of bonds and the interest thereon for the Riverside city school district. The estimate of the board of education submitted to the county board of supervisors, as above specified, shall show the amount of money estimated to be received from the State for high school purposes and the amount needed for such purposes in addition thereto; and this amount when assessed and collected as above stated, shall be paid into the county treasury and placed to the credit of the high school fund and shall be used for high school purposes. Likewise the said estimate shall show the amount of money estimated to be received from the State and county for other than high school purposes and the amount needed for such purposes in addition thereto; and this amount when assessed and collected as above stated shall be paid into the county treasury to the credit of the school fund of the district and shall be used only for the purposes of schools other than high schools as herein outlined, and none of such money shall be used for high school purposes. All school moneys shall be paid out by the county treasurer in accordance with the methods of the general school laws, when not inconsistent with the provisions of this charter.

21. To establish regulations for the just and equitable disbursement of all money belonging to any fund of the Riverside school district.

22. And generally, to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said board and to increase the efficiency of the public schools in said city.

SEC. 135. The board of education may, prior to the fifteenth day of August in any year when in their judgment it is advisable, call an election and submit to the electors of the district the question whether a tax shall be levied to furnish additional school facilities for the district or to maintain any school in such district or for building one or more school houses or for any or all of these purposes. Such election shall be called and money employed in accordance with the general laws of the State governing elections for district school tax.

SEC. 136. The board of education shall, at the same meeting at which it elects its president in each year, appoint a clerk, who may, or may not, be one of their own number, and shall prescribe the duties and fix the salary of such clerk.

SEC. 137. The city superintendent of schools, each member of the board of education and the clerk thereof, shall have power to administer oaths and affirmations in all matters connected with the school department.

SEC. 138. The board of education shall be the judge of the qualifications of teachers in all departments in the Riverside city school district, and said board may provide for special examinations for any or all positions in said schools. In the selection of teachers the board shall in all cases advise with the city superintendent, and in so far as possible they shall select teachers who by education and natural ability are best fitted for the positions; but said board shall in no case employ any teacher who does not, when so requested by the board, present a certificate of good health from the city health department, or from some reputable and known physician.

SEC. 139. The board of education shall have power to make suitable rules and regulations for the promotion of pupils from primary and grammar schools and from high schools and from all other departments of the schools when pupils have completed the respective courses of study therein, and to grant diplomas to such pupils in the name of the district.

SEC. 140. All buildings costing over one thousand dollars shall be built by contract and all contracts for buildings shall be given to the lowest responsible bidder offering adequate security, to be determined by the board after due public notice published for not less than five days in the official newspaper of the city, if there be such, and if there be no official newspaper, then in any newspaper published in said city; *provided*, that the board of education may reject any and all bids under this section. Any order for supplies in excess of two hundred dollars shall be advertised for and purchased in same manner as outlined in this section.

SEC. 141. In all matters not specifically provided for in this charter the board shall be governed by the provisions of the general law relative to such matters.

ARTICLE VII.

THE PUBLIC LIBRARY.

SECTION 142. The public library and reading room, known as the Riverside Public Library, is hereby continued in existence, and shall be free of access to all citizens of said city and the general public except as hereinafter provided, subject to such rules and regulations for the government and management thereof as may

at any time be adopted by the board of directors of said library, hereinafter provided. All property, real and personal, belonging to said library shall be turned over to the charge, custody and administration of said board, with like powers and liabilities as if such library had been established under this charter.

SEC. 143. The public library and the reading rooms and branches connected therewith shall be under the control and management of a board of five directors known as The Board of Directors of the Riverside Public Library and by such name shall have perpetual succession and may sue and be sued in all courts and places and in all proceedings whatever in relation to, or concerning any property, real or personal, or any right vested in said board.

SEC. 144. Said directors shall be appointed by the mayor immediately after his qualification under this charter, and thereafter as their terms expire, as hereinafter provided. Each director shall be at least twenty-five years of age and shall have been a resident of the city for a period of at least three years next preceding his appointment. Men and women shall both be eligible.

SEC. 145. Those directors first appointed shall so classify themselves by lot at their first meeting, that one director shall go out of office on the second Monday in January, nineteen hundred nine, one at the end of one year thereafter, one at the end of two years thereafter and two at the end of three years thereafter. Thereafter said directors shall hold office for a period of four years and until their successors are appointed and have qualified; *provided*, that the mayor may at any time remove members of said board and thereupon shall file with the council a written message giving the names of the directors removed and the actual reasons for such removals. Such removals shall not need the approval of the council.

SEC. 146. The office of director of the public library shall be honorary and the members shall serve without compensation.

SEC. 147. Said directors shall organize at their first meeting, and on the second Monday in January, nineteen hundred nine, and annually thereafter, by the election of a president and a secretary from among their number who shall serve without compensation for a term of one year and until their successors are elected; *provided*, that either or both of said officers may at any time be removed from office and their places filled by the action of a majority of the whole board of directors; *and further provided*, that the board may designate the librarian or any employé of the library as secretary, no additional salary being paid therefor.

SEC. 148. The board of directors shall hold regular meetings at least once every month at such times and places as it may determine by resolution. Special meetings may be called by the president or by any two members; *provided*, that written notice is served as herein provided for and that no business shall be transacted at any special meeting except that mentioned in the call, unless five directors shall consent thereto. Three directors shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SEC. 149. The secretary shall keep a record and full minutes in writing of all proceedings of said board and may certify to such proceedings or any portion thereof, under his hand, to be verified by seal, if a seal has been adopted and provided by the board for that purpose. All accounts of property, money, receipts and expenditures shall be kept by the auditor of said city.

SEC. 150. The board, by a majority vote of all its members to be recorded on its minutes with ayes and noes, shall have power:

1. To take charge of the public library, grounds, reading rooms and branches and of all real and personal property thereunto belonging or that may be acquired by loan, purchase, gift, devise or otherwise, when not inconsistent with the terms and conditions of the devise, gift or bequest;

2. To purchase or lease all necessary real property whereon to construct a library building or buildings; to construct, maintain, extend and repair such buildings; to lease appropriate rooms, building or buildings for such reading rooms, library or branches; to furnish and equip such rooms and buildings as may be necessary therefor, and to insure library property;

3. To determine the number of librarians, assistants, janitors and such other employés as may be necessary to be appointed for such library, reading rooms and branches; to appoint such employés and at its pleasure, remove them; to describe their powers, duties and hours of employment; to fix the salaries and wages of all such employés; all appointments shall be made without regard to political belief but solely with regard to fitness;

4. To make and enforce such by-laws, rules and regulations as may be necessary or expedient for its own guidance and for the administration, government and protection of such library, reading rooms, branches and all property belonging, loaned, devised, bequeathed or donated thereto;

5. To extend the privileges and use of such library, reading rooms and branches to persons residing outside of the city upon such terms and conditions as said board of directors may from time to time prescribe; *provided* that non-resident taxpayers of the city shall have the same privileges as residents of the city;

6. To exclude from the privileges of the library, reading rooms and branches any and all persons who shall wilfully violate the rules established by the board, any and all persons who shall conduct themselves in an offensive or improper manner in or about the library or branches thereof and any and all persons afflicted with contagious, infectious, dangerous or offensive disease; it shall be the duty of the librarian upon receipt of notice from the city health officer that contagious or communicable disease exists in any family or any house or building, to at once bar from all library privileges all members of such family or occupants of such building or house, and not to renew such privileges until official notice is received from said health officer that said disease no longer exists and that said premises have been properly fumigated;

7. To exercise and administer any trust declared or created for the benefit of such library, reading rooms or branches thereof and to receive by gift, devise or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided in said trust, dispose of the same for the benefit of said library;

8. If the payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board of directors of the public library shall provide for the safety and preservation of the same and the application thereof to the use of such library and reading rooms in accordance with the terms and conditions of such donation or bequest;

9. To provide memorial tablets and niches to perpetuate the memory of any person making donations or bequests to said library;

10. To purchase books, journals, maps, publications and other supplies and personal property for the use of said library;

11. To repair, sell, exchange or otherwise dispose of personal property;

12. It shall be the duty of the board to exclude from said library all books, papers and publications that it deems to be indecent, immoral, offensive or harmful, and it may, in its discretion, exclude all publications of a partisan or sectarian nature;

13. To borrow books from, lend books to and exchange the same with other libraries, upon such conditions and terms as said board may prescribe;

14. To establish and maintain, or discontinue, such branches of the public library or reading rooms, or both, as the growth of the city and convenience of the public may, from time to time, require; special rules and regulations for the government and opening of any or all such branches may be adopted and enforced at the option of said board;

15. To do and perform any and all other acts and things necessary or proper to fully carry out the intent of this charter in establishing and maintaining a public library and reading room;

16. To control and order the expenditure of all money at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the general provisions for the payment of demands on the city treasury, contained in Article XVI.

SEC. 151. The board of directors shall annually, on or before the first day of August, make a report to the council showing the condition of their trust for the year ending June thirtieth of that year; the various sums of money received from the library fund and from other sources; for what purposes such money has been expended, the amount so expended, and the balance on hand; the number of books and periodicals on hand; the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of persons entitled to borrow books; the number of books circulated and the general character and kind of such books; the names of all employés and the salary paid to each; with such other information, statistics and suggestions as it may deem of general interest. The statement of financial receipts and disbursements shall be verified under oath by the secretary. The board shall, as specified in Article XV, Section 22S, submit to the council a careful estimate of the amount of expenditure required for the coming fiscal year, specifying in detail the object thereof. A duplicate of said report and estimate shall be sent to the auditor.

SEC. 152. At the request of the board of directors of the public library, as expressed in the annual estimate and budget of the board, the council shall in making the annual tax levy and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a tax sufficient to establish and maintain said library, reading rooms and branches, and for purchasing or leasing such real and personal property, books, papers, publications, furniture, fixtures and erecting such buildings as may be necessary therefor; said levy to be in addition to other taxes,

the levy of which is permitted in the municipality; *provided*, said levy for library purposes shall not be less than five cents, nor more than twenty cents on each hundred dollars of value of all real and personal property in the city as assessed for city purposes.

All money received for such library from any source, except as herein otherwise provided for, shall be deposited in the treasury of the city to the credit of the library fund and shall be kept separate and apart from all other moneys of the city, and shall be disbursed only for library purposes herein authorized and only upon the order of the board of directors of the public library as hereinbefore provided.

SEC. 153. No indebtedness exceeding the funds available for library purposes during such year, shall be incurred in any one year; *provided*, that this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Riverside, in accordance with the provisions of this charter or of the general laws of the State, for the purpose of defraying the cost of such improvements; *and provided*, that the contracts for such improvements, the construction of the same and the allowing of demands in payment therefor shall be under the control of the board of directors of the public library, subject to the general provisions herein contained relating to the allowance of demands.

SEC. 154. Any person desiring to make donations of money, securities, or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in the board of directors of the Riverside public library, hereby created, to be owned, held and controlled by such board when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property, the board shall be held and considered to be a special trustee thereof for the city. No real property used for library purposes can be sold by the council or otherwise disposed of without the approval of four directors of the public library.

SEC. 155. The council shall have the power to appropriate and authorize the use, either in whole or in part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon to be used for the public library or branches thereof, and may appropriate the whole or any portion of any public building belonging to or used by the city, for such use.

SEC. 156. The council shall pass proper ordinances imposing suitable penalties for the punishment of persons committing any injury upon said library or the grounds or property thereof, and for injury to or failure to return or for unlawfully obtaining or detaining any book or publication or other property of said library.

SEC. 157. The board shall have the power to require the secretary of state and other state officials to furnish the library with copies of any or all reports, laws, and other publications of the State not otherwise disposed of by law.

ARTICLE VIII.

DEPARTMENT OF PUBLIC UTILITIES AND ELECTRICAL DEPARTMENT.

SECTION 158. There is hereby created a department of public utilities which shall be under the control and management of a board of public utilties, consisting of five commissioners, four of whom shall be appointed by the mayor immediately after his qualification and thereafter as their terms expire as hereinafter provided. Each of the four thus appointed shall be at least twenty-five years of age and shall have been a qualified elector of the city for the three years next preceding the day of his appointment. The fifth member of the board shall be the mayor who shall be the presiding officer of the board. Those members first appointed under this charter shall so classify themselves by lot at their first meeting that one shall go out of office on the second Monday in January, 1909, one at the end of one year thereafter, one at the end of two years thereafter, and one at the end of three years thereafter; and thereafter their successors shall hold office for four years until their successors are appointed and have qualified; *provided*, the mayor may at any time remove from office members of said board and thereupon shall file with the council a written message giving the names of the members removed and the reasons therefor. Such removals shall not need the approval of the council. The members shall serve without compensation. Unless otherwise provided by ordinance, the city clerk shall act as secretary of said board and keep the minutes and records thereof and shall, whenever required so to do, certify such proceedings under his hand, the same to be authenticated by seal if a seal is adopted and provided by said board for that purpose.

SEC. 159. The board shall hold regular meetings at least once in every month at such times and place as it may determine by resolution. Special meetings may be called at any time by the mayor or by any two members; *provided*, written notice is served as herein provided for, and that no business shall be transacted at any special meeting except that mentioned in the call, unless five members consent thereto. Three members shall constitute a quorum for the transaction of business but a less number may adjourn from time to time.

SEC. 160. The board of public utilities shall have the exclusive control and management of all electric and other light and power works, gas works, telegraph

or telephone systems, water works, ice works or other systems of providing and distributing refrigerating means, materials, and service, and all other public utilities that now belong to, or that may hereafter be acquired by the city; the acquisition, construction, extension, maintenance, operation and improvements of such works and systems; the management, rental, use, sale and distribution of the electricity, light, power, gas, fuel, water, ice or other products, merchandise or service therefrom; the collection of the rates and payment for the same and the general charge thereof; by ordinance of the council, the board may be given charge of the fire and police telegraph and alarm systems.

SEC. 161. The board may appoint, transfer, remove, discharge, suspend or require bonds of superintendents, engineers, laborers and all other persons employed in or by said department or in connection therewith in whatever capacity, and may prescribe their duties, compensation and authority, except as otherwise provided herein for the city auditor, his deputies and clerks.

SEC. 162. The rates to be charged for the use, rental and sale of electricity, light, power, heat, gas, water, telephone or telegraph service, or for any other service supplied by such department for which it is practicable to establish fixed rates, shall be fixed by the board of public utilities annually, or oftener if desired, but must be approved by the council. Said rates should preferably, but not necessarily, yield a reasonable profit and interest on the investment to the city, but must not be less than the actual cost of providing such service or utility, including all repairs, maintenance, operating expenses and the depreciation hereinafter provided for in Section 173 of this article, unless approved by two thirds of all the qualified electors voting on such proposition at any election, *and further provided*, that the board shall have power by a vote of four members, approved by a vote of five members of the council, and by the mayor, when, in their judgment such would be for the best interests of the city as a whole, to make special and discriminating rates and contracts which may or may not be less than the said cost.

SEC. 163. The board shall have authority to purchase all machinery, material, fuel, merchandise and supplies for the use of the department, and such purchase may be made in the open market for the best advantage of the city, and bids shall not be required except at the option of the board, notwithstanding any other provision to the contrary contained in this charter elsewhere. The board is authorized to acquire and take by purchase, condemnation or otherwise, in the name of the city, any and all property, including water and water rights, situated within or without the limits of the city, that may be necessary or convenient for the construction, operation, maintenance or extension of any of the said works or public utilities.

SEC. 164. Said board shall have the power to contract or to extend contracts for power, electric current, gas, fuel, or similar commodity; if said contracts or extensions are for a period exceeding one year and shorter than five years they shall require the approval of the council; if longer than five years they must, in addition, be ratified by a majority of the qualified voters voting on such proposition at any election, before they shall be binding on the city. The board may, however, subject to the approval of the council, make such contracts or make leases of machinery or apparatus for a longer term than five years if such contracts or leases provide for the acquisition by the city of the machinery or apparatus so leased, or provide for the acquisition of the machinery or apparatus producing the electric current, power, gas or other product so contracted for by the city.

SEC. 165. The city through its department of public utilities shall have the right to sell, lease, rent or furnish any of the commodities, merchandise or service herein provided for, to persons or corporations using the same outside of the city limits; *provided*, the same does not interfere with the proper service of the inhabitants of the city, and any contracts must be subject to this provision. The rates so charged shall be fixed by the board, but must be approved by the council.

SEC. 166. The city, through its department of public utilities, shall have power to purchase, acquire by leasing or renting, to sell, to rent or lease out, to install, repair and maintain, every kind of electric current, power, fuel, heat, machinery, apparatus, supplies and all other articles of merchandise necessary, convenient or profitable either for its own use in any of the public utilities operated by the city, or for the use of the customers of the city wherever located. Such service to persons outside of the city shall be subject to the provisions of Section 165 of this article. When the board deems it to be to the profit and best interest of the city, it may furnish, free of charge, or give away to its customers, under proper restrictions, apparatus, lamps, and other articles intended to consume or make use of electricity, gas, power or other commodities furnished by the department.

SEC. 167. The board shall have entire charge of the system of street lighting; *provided*, that before any extensions of same are made, the approval of the council shall be necessary. The rate to be charged the city for street lighting shall be determined by the board and approved by the council, but must not be less than the actual cost of same. Bills for same shall be rendered monthly and approved in the same manner as other demands. The auditor shall then credit the electric fund and charge the proper fund with the said amount. Light, power and other

items and supplies furnished other departments of the city shall be treated in like manner.

SEC. 168. The board shall have power, by a resolution adopted by a majority of all its members and recorded at length on the minutes with the ayes and noes, to make and enforce all such reasonable regulations, rules and by-laws as may be necessary for its government, for the administration of the department and for the exercise of the powers conferred by this article. In the event that electric transmission lines have been paid for, in whole or in part, by persons or corporations other than the city, the board may require persons desiring to connect with said lines, to pay a proper proportion of such cost before being allowed to make such connection, and the said payment may be repaid pro rata to the persons originally paying for such lines.

SEC. 169. The board shall, as soon as practicable, cause to be made by the city engineer, a map or maps, showing full details of the distributing system, connections therewith and of all street lights, which maps shall be kept posted up to date or additional maps made as the service increases.

SEC. 170. The city auditor, as provided in Section 99 of Article V, Chapter 3, shall have entire charge and control of all records, books, documents and accounts relating to property and the receipts and expenditures and all accounts of purchases and sales of the department. His department shall also attend to the correspondence of the board or of the superintendent, but this shall be under the control and direction of the board. The board shall allow out of the electric fund the wages of the deputies and clerks so employed in the department, which wages shall be fixed by the council. The auditor shall make, as soon as practicable after the adoption of this charter, with the assistance of the superintendent, a complete detailed list with an inventory at the present value of all property belonging to the department, in order to determine the net value of the city's investment therein. The values in said inventory shall be set by the board, and it may engage a competent person to set same or to assist therein. The auditor shall keep this record posted up to date, and shall annually make a new inventory. A record shall be kept of all property sold, lost, destroyed, worn out or discarded, and a record of all connections and the number of lamps in use. The auditor shall accurately apportion all income and expenditures so that regular operating expenses, repairs, betterments, extensions, replacements, depreciation, cost of operation, power and fuel, the income from various sources, and the net income and real value of the plant can always accurately be told. The board and superintendent shall so conduct the department that this can be done and the auditor is instructed and given power to see that this provision is complied with.

SEC. 171. All money received by the board from the collection of rates or otherwise shall be paid over to the treasurer of the city, daily, unless otherwise provided by ordinance, to the credit of the electric fund, which shall be kept separate and apart from all other moneys of the city, and shall only be drawn from said fund by demands previously approved by a vote of three members of the board taken with the ayes and noes, and spread on the minutes, and the action of said board endorsed on said demands and signed by the mayor as president of the board and by the secretary thereof. All demands must be approved by the superintendent or managing head of the department and by the auditor or his deputy before being presented to the board. In case of emergency the council may transfer money from the general fund to the electric fund. Any moneys raised by issuing the bonds of the city for the use of the department of public utilities shall be expended and controlled by the said board. Money may be temporarily transferred from the electric fund to the general fund by the council, but only with the consent of the board of public utilities, and such money must be returned to the electric fund by the first day of the following May.

SEC. 172. None of the money in the electric fund shall be apportioned and used for any purpose or purposes other than for the following:

1. For the necessary expenses of conducting the electric department, operating the electric plant and making all current and ordinary extensions, betterments and repairs;

2. For the extraordinary improvement of and betterment to the plant, property, equipment and system of supply and distribution of the electric department, including purchase of necessary lands, water rights and other properties;

3. Any unused balance in the electric fund, after deducting for the depreciation sinking fund as provided in Section 173 of this article, may with the approval of both the board and the council, be used for payment of principal and interest of any electric department bonds outstanding;

4. After all expenditures have been made that are required in the first, second, and third subdivisions of this section, the profit, if any there be, remaining in the electric fund at the end of the fiscal year, from the operation.

of the plant for such year, may, with the consent of both the council and the board of public utilities, be transferred, in whole or in part, into the general fund for the use of said fund.

SEC. 173. At the end of each fiscal year the auditor shall take the total value of property belonging to the electric department as obtained from the inventory and property record; he shall deduct not less than 5 per cent therefrom, which shall represent the estimated depreciation of the whole plant and system for the year. Said per cent shall thereupon be transferred from the electric fund to the credit of the fund to be known as the "depreciation sinking fund." He shall then charge to such sinking fund and credit to the electric fund the amount expended during the year in actual replacements of wornout machinery and plant, but must not include therein amounts expended in betterments, extensions, changes and repairs. The balance remaining in the depreciation sinking fund shall then be invested by the treasurer, subject to the approval of the council, in United States, state, school or municipal bonds, or deposited in savings banks organized under the laws of California, at interest, and the interest thereon shall accrue to said fund. If the per cent deducted from the electric fund in any one year shall not be sufficient to offset the expenditures for said actual replacements for such year as above specified, then sufficient bonds from the depreciation sinking fund shall be converted into cash, or cash withdrawn from said savings banks, and said cash transferred to the electric fund to make up such deficiency; but this shall be done only on the recommendation of the auditor and approved by the said board and the council. The depreciation sinking fund shall otherwise remain inviolate except as authorized by a two-thirds vote of the qualified electors voting on such proposition at any election; *provided*, that the said board by a four-fifths vote of all the members, approved by the council by a vote of five-sixths of all the members and by the mayor, shall have the power to instruct the treasurer and auditor to convert sufficient of said bonds into cash or withdraw said deposits, and thereupon to temporarily transfer the proceeds and to use same for betterments and extensions of said plant, or to acquire any other public utility elsewhere provided for in this charter, but must not use the same for repairs or operating expenses. Said temporary transfers must be repaid to said sinking fund by the electric fund or other fund, as the case may be, in annual installments not less than ten in number, with five per cent interest on same, computed semi-annually, and the auditor is authorized and instructed to make such transfer and the council must provide the funds therefor if the balances in such fund be insufficient. Annual reports in detail must be made by the auditor and the treasurer of all increments, changes, conversions, investments, interest, loans from and repayments to said depreciation sinking fund.

The auditor may take expert advice other than that of the electric department, as to the proper per cent of depreciation to be charged to the electric fund and credited to the depreciation sinking fund, as above provided; if, from such advice he believes five per cent to be too small, he shall make use of such per cent as he believes conservative and safe. If the money in the electric fund be insufficient to provide the amount of the depreciation charge the auditor shall create a deficit in the electric fund and if said deficit be not balanced at the time the next annual tax levy is made, the council must, by levy or otherwise, provide the money to balance the said fund. Said per cent shall not be less than five per cent unless approved by a majority of the electors voting on such proposition at any election.

SEC. 174. The board shall present to the council a monthly report showing expenditures for operating expenses, fuel, power, wages, repairs, replacements, betterments and extensions; also all income and net profit itemized into proper classes, and also an annual report showing in addition to these items the nature and condition of the property under their control with such information and suggestions as it may deem of general interest. If funds be needed for extensions, improvements, repairs or other expenditures, too great to be paid out of the estimated current income of the department, the board shall, as provided in Section 228, Article XV, make an itemized statement of the same to the council and the council may make such proper tax levy to provide such funds, and said taxes shall, when collected, be credited to the electric fund. Duplicates of all reports shall be filed in the auditor's office.

SEC. 175. It shall be the duty of the council to pass such ordinances as may be necessary to enforce the rules and regulations made by the said board.

SEC. 176. The board shall possess such other powers and perform such other duties as may be necessary to carry any of the powers and duties prescribed in this article into full force and effect, or as may be elsewhere prescribed by this charter or by ordinance.

SEC. 177. It is understood that at the time of the adoption of this charter, the electric department is the only public utility operated by the city. In case any other public utility herein mentioned in Section 160 of this article shall hereafter be acquired and pass under the control and management of the board of public utilities, the said board shall create separate departments therefor, and such departments shall each be subject to all the provisions of this article as far as they can be made applicable, and the accounts thereof shall be kept entirely separate each from the other, and separate and appropriate funds shall be established for each.

SEC. 178. No public utility once acquired and operated by the city shall, nor shall the control of same or the products therefrom, ever be sold, leased, abandoned or otherwise disposed of to any person or corporation except such proposition is approved by a two-thirds vote of all the qualified electors voting on such proposition at any election at which said proposition shall be legally submitted; *provided*, that said prohibition shall not be construed to prevent the ordinary sale of electricity, gas, power, service, merchandise, supplies, materials and unused or abandoned machinery or apparatus to the customers of the city in the regular course of business.

ARTICLE IX.

HEALTH DEPARTMENT.

SECTION 179. The board of health shall consist of five members, three of whom shall be appointed by the mayor; each of the three thus appointed shall be at least thirty years of age, and shall have been a qualified elector of the city for a period of three years next preceding his appointment, two of whom shall be practicing physicians and one shall be a citizen other than a physician. The physicians shall have practiced their profession for at least five years next preceding their appointment. The fourth member shall be the city engineer. The fifth member shall be the mayor who shall be the presiding officer of the board. Those members of the board first appointed under this charter shall so classify themselves by lot that one shall go out of office on the second Monday in January, 1910, one at the end of one year thereafter and one at the end of two years thereafter. Thereafter their successors shall hold office for four years and until their successors are appointed and have qualified.

SEC. 180. Three of the members of the board shall constitute a quorum for the transaction of business.

SEC. 181. The board shall at its first meeting and annually thereafter, or at the will of the board, appoint one of its members, who is a practicing physician, as secretary of the board. The secretary shall be ex officio health officer of the city.

SEC. 182. Regular meetings of the board shall be held once a month. Special meetings may be called by the mayor, by two members of the board or by the health officer, and may be by telephone.

SEC. 183. The board shall have power to appoint and remove at pleasure a regularly certificated physician to serve as city physician, who may or may not be the health officer.

SEC. 184. The health officer and city physician shall receive such compensation as may be fixed by the council. The other members of the board, acting as such, and appointed as in this charter provided, shall receive no compensation for their services.

SEC. 185. The board of health shall have such other powers and perform such other duties as may be prescribed by ordinance.

ARTICLE X.

PARK DEPARTMENT.

SECTION 186. There shall be a board of park commissioners, consisting of five persons, whose appointment, term and tenure of office shall be the same as provided for directors of the Riverside Public Library in Article VII of this charter, and who shall receive no compensation for their services as commissioners, but any of the members of the commission shall be eligible to serve as superintendents under said commission. The compensation of such superintendents shall be fixed by the council.

SEC. 187. The board shall elect a president who shall hold office during its pleasure. Unless otherwise provided by ordinance, the city clerk shall act as secretary of the board and keep the minutes thereof. It shall hold regular meetings at least once in each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time as provided herein; its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its direction.

SEC. 188. The board shall have the exclusive control of all lands and real property which may be acquired, set apart or dedicated for the use of the people of the city as public parks or pleasure grounds, and of any boulevard that may be acquired, dedicated or constructed as a portion of the park system of the city. The

board shall have authority to purchase all articles and materials for and have all work and labor performed upon said parks, pleasure grounds and boulevards, and to that end may appoint, remove, discharge or suspend superintendents, laborers and all other persons employed upon or about said parks, pleasure grounds and boulevards. The board shall have the authority to establish rules and regulations for the use and government of such parks, pleasure grounds and boulevards, and shall have the right to prohibit the use of the drives in any of said parks or pleasure grounds or the said boulevards for teaming or other purposes which may be injurious to them, and shall render such other services and perform such other duties as may be prescribed by ordinance.

SEC. 189. The commission shall make monthly and annual reports to the council of expenditures and of other matters deemed wise by the commission. They shall annually submit an itemized estimate of the money needed for the work of the commission during the ensuing year. The council shall levy such tax for such purposes as it deems wise, when collected it shall be paid into the "park fund," and be paid out only for park purposes and for other work coming under the control of the commission.

ARTICLE XI.

JUDICIAL DEPARTMENT.

SECTION 190. The judicial power of the city shall be vested in a police court consisting of one police judge. He shall have been a qualified elector of the said city for the two years next preceding his appointment and shall be an attorney duly admitted to practice before the Supreme Court of the State. He shall be appointed by the mayor.

SEC. 191. The police judge shall have the power of examining magistrates and may commit offenders for trial in the proper court; also to administer and certify oaths and affirmations.

SEC. 192. The police court shall have exclusive jurisdiction of criminal proceedings for violation of the city ordinances; and of all civil actions and proceedings arising out of a violation of such ordinances; and for the collection of any license tax required by any ordinance, except such actions and proceedings as, on account of the amount involved, are within the jurisdiction of other courts under the provisions of the constitution of the State.

SEC. 193. The police court shall have jurisdiction concurrently with the justices' courts of all civil actions and proceedings, arising within the corporate limits of the city and which might be tried in said justices' courts.

SEC. 194. Proceedings in criminal actions triable in such courts shall be in conformity with the provisions of Part II, Title XI, Chapter I of the Penal Code of this State; proceedings in civil actions shall be in conformity with the provisions of Part II, Title XII of the Code of Civil Procedure.

SEC. 195. The rules of practice and mode of procedure in the police court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county from all judgments of said police court in like manner and with like effect as in cases of appeal from justices' courts. Abstracts of judgment from said court may be filed with the county clerk and county recorder, and liens created, and said judgments enforced in the same manner as judgments in justices' courts; *provided*, that in actions in said court when process is to be served outside of the county of Riverside, the process shall have attached to it a certificate of the city clerk under his official seal, that the person issuing the same was acting police judge at the date of the process.

SEC. 196. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

SEC. 197. All fines, penalties and forfeitures collected by said police court shall be the property of the city and shall be immediately deposited in the city treasury for the use of the said city.

SEC. 198. The city shall furnish for said court a suitable court room, and office and the necessary dockets and all blanks and other books, papers and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

SEC. 199. In the absence, or upon the disqualification or disability of the judge of said police court, any qualified justice of the peace of Riverside Township at the request of said police judge may preside in his place as judge of said police court with all the powers, authority and jurisdiction of the duly qualified judge thereof.

SEC. 200. The mayor shall have power to appoint any justice of the peace for Riverside Township as police judge, notwithstanding any other provision in this charter contained.

SEC. 201. The council shall have power to prescribe by ordinance, additional duties and powers for the police judge.

ARTICLE XII.

POLICE DEPARTMENT.

SECTION 202. The police department of the City of Riverside shall consist of a chief of police and such other officers and policemen as shall, from time to time, be fixed and determined by the council.

SEC. 203. The chief of police shall be at least thirty years of age and a qualified elector of the City of Riverside for at least two years preceding his appointment. He shall be appointed to his office by the mayor.

SEC. 204. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of the State, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the City of Riverside, and every citizen shall also lend aid when required for the arrest of offenders in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city, and it shall be his duty to prosecute before the police judge all breaches or violations of or non-compliance with any city ordinance or law within the jurisdiction of the police judge which has come to his knowledge. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses and collect the same and at the expiration of any month shall pay to the treasurer all funds of the city collected by him during said month. He shall, upon payment of the money, file with the treasurer a statement of the money so collected and an affidavit stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office, and subject to such rules and regulations as the council may prescribe, shall have control of the police force. He shall have power to suspend or remove any member of the police force for disobedience of any lawful order, for the violation of rules and regulations of the department and for neglect of duty or for conduct unbecoming a member of the police force. He shall immediately file with the mayor written charges, specifying the grounds upon which such suspension or removal is made. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city or by law or the provisions of this charter.

SEC. 205. The policemen of the department shall be appointed by the chief of police, and such policemen shall hold office subject to removal by the chief of police for cause.

SEC. 206. The council, subject to the provisions of this charter, shall have power to organize the police department and make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police department of the city.

ARTICLE XIII.

FIRE DEPARTMENT.

SECTION 207. The fire department of the City of Riverside shall consist of a chief and such number of officers and men of the department as the council shall from time to time, fix and determine.

SEC. 208. The chief of the fire department shall be a citizen of the United States and at least thirty years of age. He shall be appointed by the mayor.

SEC. 209. The chief of the fire department shall, subject to such rules and regulations as the council may prescribe, have entire control of the department. He shall have power to suspend or remove any member of the fire department for disobedience of any lawful order, for the violation of rules and regulations of the department, and for neglect of duty or for conduct unbecoming a member of the force. He shall be charged with the especial duty of superintending the extinguishment of fires that endanger the municipality or destroy its property and he shall take measures to guard and protect all property imperiled thereby. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city.

SEC. 210. The council, subject to the provisions of this charter, shall have power to organize the fire department and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries including that of the chief of the fire department, and do all other acts necessary to the efficient equipment and operation of the fire department of the city.

ARTICLE XIV.

ELECTIONS.

SECTION 211. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes, are of two kinds:

1. General municipal elections.
2. Special elections.

SEC. 212. General municipal elections shall be held in the said city as follows: the first election shall be held on the second Tuesday of May, nineteen hundred seven; the second election shall be held on the third Tuesday in November, nineteen hundred nine; the third election shall be held on the third Tuesday in November, nineteen hundred eleven, and general municipal elections on the third Tuesday in November every two years thereafter.

The mayor, the city clerk, the city auditor and the city treasurer shall be elected at large at the first general municipal election. The successor to the mayor shall be elected at the second general municipal election and every two years thereafter. The successors to the city clerk, city auditor and city treasurer shall be elected at the third general municipal election and every four years thereafter.

One member of the city council from each of the wards of the city shall be elected by the electors of said ward and the five members of the board of education shall be elected by the electors at large at the first general municipal election. The members of the council from the third, fourth and sixth wards first elected, shall hold office until the first Monday in January, nineteen hundred ten, and the members from the first, second and fifth wards until the first Monday in January, nineteen hundred twelve.

The successors of the members of the council from the third, four and sixth wards and of two members of the board of education shall be elected at the second general municipal election and every four years thereafter. The successors of the members of the city council from the first, second and fifth wards and of three members of the board of education shall be elected at the third general municipal election and every four years thereafter.

The officers elected at the first general municipal election instead of holding office for the regular two and four year term, elsewhere specified, shall hold office until the first Monday in January, nineteen hundred ten, and nineteen hundred twelve respectively. Every officer shall hold office until his successor is elected or appointed, and has qualified.

SEC. 213. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, take office and enter upon the discharge of their duties at ten o'clock A. M., of the first Monday in January next succeeding their election, except that the officers elected at the first general municipal election shall take office and enter upon the discharge of their duties at ten o'clock A. M., on the second Monday after their election.

SEC. 214. Special elections shall be held for such purposes and at such times as the council may determine, or at such times as are elsewhere provided in this charter, except that no special election shall be held less than thirty days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections.

SEC. 215. The provisions of the general law of the state governing municipal elections, where the same are held separate from the general state elections, are hereby adopted as the law governing city elections, and the provisions of the general laws of the state governing elections for state and county offices shall govern city elections in matters for which no provision is made in this charter, and the council and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws on boards of supervisors and county clerks concerning elections; *provided*, that where this charter makes provision relating to any matters contained in such general laws, the said charter provisions shall govern.

The elections for members of the board of education held in the territory embraced in the Riverside city school district lying outside the city limits shall be held in accordance with the election provisions of this charter, except that the number of election officers and the form of the ballot may be as is required by the general school laws of the State for school elections.

SEC. 216. All candidates for city offices shall be nominated in the manner only as provided in section 1188 of the Political Code of the State of California, as now in force.

SEC. 217. When candidates for any office are nominated as specified in accordance with the provisions of section 1188 of the Political Code of the State of California it is hereby provided and directed that no party name or designation shall appear on the certificates or ballots and that the names of the candidates for each office shall be arranged alphabetically on said ballot.

SEC. 218. The conduct and carrying on of all city elections shall be under the control of the council and the council shall, by ordinance, order the holding of all elections and provide for the notice thereof.

SEC. 219. Each ward of this city shall constitute at last one municipal election precinct, but the council may divide any ward into two or more election precincts for the purpose of any city election and may change and alter and consolidate such precincts; *provided*, the same is not within thirty days previous to an election; *and provided further*, that no precinct shall in any case embrace parts of any two or more wards.

SEC. 220. At each city election each of the election officers shall receive not to exceed the sum of three dollars for his services.

SEC. 221. The council shall have power to submit to the electors of said city at any election any question required to be so submitted by the constitution, the law, this charter or by ordinance; *provided*, that in case the question is required by said constitution, law, charter or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted unless otherwise provided herein.

SEC. 222. The present officers of the city, and the school trustees of the Riverside, Palm Avenue, Magnolia and Victoria school districts, and of the Riverside high school district, shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of the first officers to be elected or appointed under this charter, with the powers and duties vested in and imposed upon them under the laws and the ordinances under which they were elected.

SEC. 223. The board of trustees of the City of Riverside, in office at the time this charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election, the amounts of said bonds and the provisions relating thereto to be as herein provided.

If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the City of Riverside then in office must provide for the holding of said election as soon as possible thereafter.

SEC. 224. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the council. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on the order of a court of general jurisdiction.

SEC. 225. On the first Monday after the election and at their usual time and place of meeting, the council shall meet and canvass the returns and declare the result.

SEC. 226. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the same by depositing such certificate with the postage prepaid, in the United States postoffice in Riverside, addressed to the person elected or appointed, and such person must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

ARTICLE XV.

REVENUE AND TAXATION.

SECTION 227. All taxes, licenses, fines, penalties and all moneys received from any source, shall constitute the revenue of the city and shall be collected and paid into the city treasury.

SEC. 228. On or before the third Monday in July of each year, unless a different time is fixed by ordinance, the several heads of each department, office, board and commission shall submit to the council an estimate in writing of the amount of expenditure, specified in detail, and stating the object thereof, required in the respective department, office, board and commission during the year. Duplicates of these estimates shall be submitted to the auditor.

SEC. 229. On or bfore the fourth Monday in July of each year, unless a different time is fixed by ordinance, the auditor shall prepare and transmit to the mayor and council an estimate of the probable financial necessities of the municipal government for the fiscal year, stating the amount required to meet the interest and principal on all bonded or funded indebtedness of the city, together with the amount needed for the salaries and probable wants of all the departments of the municipal government in detail, showing specifically the necessities of each fund in the treasury. The estimate shall also show what amount of income and revenue is likely to be collected from fines, licenses and all other sources of revenue, exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation in order to meet the necessities of each specific fund for such fiscal year.

SEC. 230. The council shall have the power and it shall be their duty to fix by ordinance the amount of money necessary to be raised by taxation upon

the taxable property of the city, as a revenue to carry on the various departments of such city for the current fiscal year, not to exceed the limit fixed by this charter, if there be such limit, and to pay the bonded or other indebtedness of said city. The council shall meet for such purpose and shall so ascertain and fix said amount on the first Monday in August in any year when provision has been made by ordinance for the assessment and collection of the city taxes by the county assessor and county tax collector, and in any other year at such time as may be fixed by ordinance.

SEC. 231. During such time as the assessment and collection of city taxes shall be made by the proper officers of said city, the council shall meet at their usual place of holding meetings at 10 o'clock A. M. on the second Monday of August of each year, unless a different time is fixed by ordinance, and sit as the board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor have been rectified and the assessment equalized. They shall have power to hear complaints and to correct, modify or strike out any assessment made by the assessor, and may, of their own motion, raise any assessment upon notice to the parties whose assessment is to be raised. The corrected list for each tax shall be the assessment roll of said tax for said year. It shall be certified by the city clerk, who shall act as clerk for the board of equalization, as being the assessment roll for said tax and shall be the assessment roll upon which such tax is to be levied in said year.

SEC. 232. The mayor and council shall have power and it shall be their duty, unless the city taxes are assessed and collected as provided in Section 234 of this Article, to provide by ordinance a system for the assessment, levy and collection of all city taxes and for the sale of property for delinquent taxes, which system shall conform, as nearly as the circumstances of the case may permit, to the provisions of the laws of this State with reference to assessment, levy and collection of State and county taxes and sale of property for delinquent taxes, except as to the times of such assessment, levy and collection and except as to the officers by whom such duties are to be performed. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed from and after the date of assessment.

SEC. 233. If there shall be no ordinance in force availing the city of the privilege of having its taxes assessed and collected by the officers of the county, the city clerk shall be ex-officio assessor and the treasurer shall be ex-officio tax collector; and they shall perform respectively the duties and have all the powers prescribed by law or ordinance for assessors and tax collectors. While the city avails itself of the privilege of having its taxes assessed or collected by the county officers, the offices of city assessor and city tax collector shall not exist. The taxes so levied and collected shall be paid by the proper county officers to the city treasurer and be apportioned by the city auditor to the several specific funds.

SEC. 234. The mayor and council shall, during the month of January, nineteen hundred eight, and the month of January, nineteen hundred nine, and may, annually thereafter, pass an ordinance electing to avail the City of Riverside of the provisions relating to the making of assessments and collection of taxes by the assessor and tax collector of the County of Riverside, pursuant to the provisions of an act of the Legislature of the State of California entitled: "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporation," approved March twenty-seventh, eighteen hundred ninety-five; *provided*, said act be then in force, and shall cause a certified copy of such ordinance to be filed with the auditor, assessor and tax collector of said County of Riverside. If said act shall be amended or some other law be substituted instead, providing for the assessment and collection of city taxes by county officers, any ordinance passed therefor by the mayor and council shall conform to the provisions of such amended act or such law in order to avail the city of the privilege of having its taxes assessed and collected by such county officers.

SEC. 235. On the first Monday of September in any year when provision has been made by ordinance for the assessment and collection of the city taxes by the county assessor and county tax collector, the council shall fix the rate of taxes for such year as provided in Section 4 of said act of the legislature referred to in Section 234 of this article, and shall immediately thereafter transmit to the county auditor of said County of Riverside a statement of such rate as fixed by said council.

SEC. 236. The city taxes for the fiscal year 1907-8 shall be assessed by the city clerk and ex officio assessor of the City of Riverside holding office prior to the second Monday after the second Tuesday in May, nineteen hundred seven; said

assessor shall continue in office as assessor of the City of Riverside incorporated under this charter until said assessment roll has been completed and shall be entitled to such compensation therefor as may be fixed by the council. Such assessment shall be as valid and binding as if made by the ex officio assessor elected under this charter. This provision shall take precedence over any other provision of this charter in conflict therewith. Said assessment shall be made under the existing ordinances of the City of Riverside, except as to the amount of tax levy which shall be governed by the provisions of this charter.

SEC. 237. No money from bond, interest or sinking funds of the city shall be transferred to other funds, except as provided herein, until the necessity for which such bond, interest or sinking funds were created no longer exists. Ordinances providing for the levying of the taxes mentioned in this article shall not be subject to the provisions of the Referendum referred to in Section 259, of Article XXI.

The council shall not have power to levy a general tax greater than one dollar and thirty-five cents on each one hundred dollars of the assessed valuation of all property within said city. This limit is exclusive of all taxes for the payment of the principal and interest of the bonded indebtedness of the city, all district taxes, special taxes, special assessments and all taxes for library or school purposes. This limit may be changed at any time by an ordinance adopted by a majority vote of all the electors voting on such question at any election and such ordinance may originate in the council or may be proposed by initiative petition.

ARTICLE XVI.

CLAIMS AND DEMANDS.

SECTION 238. Bonds and interest coupons shall be paid by the treasurer and demands shall not be necessary therefor.

SEC. 239. All other payments from the treasury must be made only on demands as herein provided and every demand must specify each date, item and value, be verified under oath and must be approved by the head of the department authorizing or the person having knowledge of the same, and by a majority of all the members of any board over such department.

SEC. 240. All demands on the library fund, the electric or other public utility fund, must be approved by a majority vote of all the members of the board of directors of the Riverside public library or the board of public utilities, respectively, and approved by the auditor. The approval of the mayor and council shall not be necessary, but the mayor may disapprove any such demand and such demand shall be then paid only if approved, as provided in Section 242 of this article.

SEC. 241. All demands except those referred to in Section 240 of this article must be approved by a majority of the finance committee of the council, by a majority vote of all the members of the council, by the mayor and by the auditor.

SEC. 242. The council may approve any demand over the disapproval of the finance committee or of any head of department by a majority vote of all the members. The council or other board specified in Section 240 of this article may approve any demand over the disapproval of the mayor by a vote of five members and four members, respectively. Every such demand must be voted on separately, the aye and no vote recorded and the reason for any disapproval attached to the demand.

SEC. 243. Any demand in the fire or the police departments must be approved by the chief of such department and by the mayor.

SEC. 244. Salaries of elective officers, except those of members of the council, shall not require demands.

SEC. 245. The auditor shall designate the fund out of which any demand shall be paid. His disapproval shall be final, subject to the review of the courts. No demand can be paid by the treasurer unless audited and approved as herein provided. If there are no funds to pay any demand on presentation, the treasurer shall register such demand and thereafter, if there be funds legally applicable to pay such demand, it shall be paid in the order of registration, together with interest from the date of registration at the rate of five per cent per annum.

SEC. 246. The board of city accounting shall prescribe forms, records and duties relating to demands and their approval and payment, and such shall not be changed except on a vote of the electors.

ARTICLE XVII.

BONDED INDEBTEDNESS.

SECTION 247. Bonds of the City of Riverside may be issued under the provisions of the general laws of the state relating to the incurring of bonded indebtedness subject to the following provisions which shall take precedence over the provisions in such general laws relating to similar matters:

1. Bonds may be issued by the city to defray expenditures for any purpose for which any of the funds of the city may be lawfully expended.

2. Funds from the sale of bonds issued for school, library or public utility purposes shall be under the exclusive control of, and shall be expended only on demands approved by the board of education, the board of directors of the Riverside public library or the board of public utilities, respectively.

3. The city may issue bonds for a term of years less than forty years, said bonds shall be serial and shall be payable in equal annual installments and the length of said term shall be determined and stated in the ordinance passed by the council submitting the question of incurring said indebtedness and issuing said bonds, to be voted on at an election, and said election may be either a special or a general municipal election.

ARTICLE XVIII.

CONTRACTS.

SECTION 248. The City of Riverside shall not be and is not bound by any contract unless the council shall have first caused notice to be published in a daily newspaper printed and published in the City of Riverside, inviting proposals, and thereafter shall have let said contract to the lowest responsible bidder furnishing adequate security for its performance, satisfactory to the council; *provided*, that the council may reject any and all bids; *and provided*, that any such contract shall be made in writing, and approved and signed as provided in Article III, Chapter 1, Section 9; *and provided further*, that the approval, as to form of such contract, by the city attorney, as required by Section 121 of Article V of this charter, shall be endorsed on the draft thereof before the council shall have power to approve the same; but the council may by resolution authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money not exceeding five hundred dollars without a contract in writing and without any previous publication of notice inviting proposals; *provided*, that contracts made by other boards authorized by this charter to make contracts, shall not be subject to the provisions of this section.

SEC. 249. The council shall not have power to make any contract or lease or to extend any existing contract or lease for a longer period than five years unless said contract, lease or extension be approved and ratified by a majority of the qualified electors of the city voting on such question at any election; *provided*, that a lease, contract or extension for a longer period shall be valid without such approval if said lease or contract provides for the acquisition by the city, at the end of such period, of the real or personal property so leased or contracted for, but such contract, lease or extension shall nevertheless be subject to the provisions of the referendum herein provided for in Section 259 of Article XXI.

SEC. 250. The council shall annually, at some regular meeting held during the month of June, fix the rate to be paid for official advertising and for job printing for the year following, from July first to June thirtieth. Such advertising and job printing may, thereafter during said year, be procured by the council or by any board, officer or employé legally authorized, but in no case shall the price paid exceed, though it may be less than the rate so fixed by the council. At the same price, preference shall be given on orders for job printing to printing establishments located in the City of Riverside, but this shall not be construed as preventing such work being done outside of the city if a lower price, considering quality of work, can be thus obtained.

SEC. 251. If no newspaper published in the City of Riverside will accept advertising at the rate so fixed as provided in Section 250 of this Article, or if for other reasons the council so decides, the said council in lieu of newspaper advertising may issue and publish a bulletin containing such matter as they, or any officer or board of the city are required to publish, and shall cause a copy thereof to be addressed to each of the registered voters of the city, to their addresses as the same shall appear on the last great register of Riverside County, and the same shall be deposited in the United States postoffice with the postage duly prepaid, and shall also post printed copies of such advertisement in three public places in the city. Action shall not be taken in regard to any matters so advertised for such period after such postage and mailing as may be required herein or by law to lapse after regular advertising in the official newspaper, or for five days thereafter if no time is so specified. Such mailing and posting shall be conclusively deemed to be of the same effect as if the advertisement had been fully published the required number of times in such newspaper as may be required by law or this charter. All provisions of this charter are subject to the provisions of this section.

SEC. 252. The council may by ordinance create the position or office of city purchasing agent, and shall prescribe the duties and fix the compensation therefor. Such position or office may be filled by one of the officers or employés of the city so designated, or a new and separate office or position may be created. The council may provide that all or any designated portion of the purchases and contracts under the jurisdiction of the council must be made by said purchasing agent under rules to be provided therefor; and with the consent of other boards herein given the power to make purchases and contracts, the council may provide that all or a portion of such purchases and contracts may be made by said agent, under similar or different rules. The council may provide that the purchasing agent may make all or any portion of the purchases of the city in the open market at the best prices obtainable and to the best advantage of the city, without advertising for bids, and the provision

so made shall take precedence of the provisions of Section 248 of this Article, or of any other provisions of this charter requiring such advertisement for bids and shall take precedence of the provisions in Section 250 of this Article relating to job printing.

ARTICLE XIX.

STREETS AND SEWERS.

SECTION 253. Except as provided herein and unless otherwise provided by ordinance, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this State, is hereby made a part of this charter, and shall govern the council in such matters; *provided*, the council is hereby given power to enact ordinances providing for, and having the effect as long as such ordinances shall remain in force, of repealing all, any, or any portion of any such general laws, as far as the same shall relate to the City of Riverside, and substituting in place thereof other measures, provisions and regulations, relating to similar matters; *and, provided*, the council is hereby given power to enact ordinances providing other and different measures, provisions and regulations relating to any, all or any portion of the matters covered in such general laws, and in any proceedings relating to any of said matters to decide and provide in the resolution or ordinance ordering or initiating said proceedings, whether said proceedings or work shall be conducted under said general laws, under said general laws as amended by said ordinances, or entirely under said ordinances. A repeal of any such ordinance will revive the operation of any such general law so repealed in whole or part, with amendments thereto, provided said law be still in force in the State.

SEC. 254. The council shall have power by duly enacted ordinance to provide rules and regulations for having sewers, drains and conduits laid in the streets, alleys and places of the city, under private or public contract, to require that the owner of any property which has not contributed to the payment of the cost and expenses of such construction, must, before being allowed to connect with and use such sewers, drains and conduits, pay into the city treasury or to some designated officer, the proper portion of such cost and expense which such property should have borne had it participated in said payment, with interest thereon to said date, or in lieu thereof a stated sum of money. The ordinance may provide that the money so collected shall be paid into the sewer fund, or returned to the present owners of the property participating in such original cost, pro rata.

SEC. 255. The council shall have power to cause an estimate to be made and a bid submitted on behalf of the city by the city engineer and the superintendent of streets on any work provided for in this article. Said bid shall be in regular form but no bond, certified check or other deposit or security shall be required of the city. The contract for said work may be awarded to the city if the bid of said city is the lowest, or to the next highest responsible bidder at the option of the council. No bond shall be required of the city, but the contract shall be signed in regular form. The superintendent of streets shall have charge of the execution of any such contract and careful records of cost must be kept. The city may do any such work on application of a petition signed by the owners of a majority of the frontage of the property fronting on any proposed improvement, even though no bid was submitted by said city, or without said petition if the council deems that the city can do such work at less cost than the lowest bid therefor. Any such work may be done by day labor, or sublet by contract, or both. Assessments for such work shall be collected as designated by the council.

SEC. 256. In all proceedings under the general laws of the state the city engineer and the superintendent of streets, respectively, shall perform the same duties as prescribed in said laws.

ARTICLE XX.

FRANCHISES.

SECTION 257. The council shall have power to designate the terms, conditions and duration of all franchises, *provided* that no exclusive franchise shall ever be granted.

ARTICLE XXI.

THE INITIATIVE.

SECTION 258. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each of such papers shall make oath before an officer qualified to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition, the city clerk shall examine and from the great register and certificates of registration, ascertain whether or not said petition is signed by the requisite number of qualified and registered electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination.

If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to ten per cent. of the entire vote cast for all candidates for mayor at the last preceding general municipal election, the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to fifteen per cent of said vote and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

The ballots used when voting upon such proposed ordinance shall contain the words: "For the Ordinance;" (stating the general nature of the ordinance) and "Against the Ordinance," (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people obtained in like manner.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

THE REFERENDUM.

SECTION 259. No action providing for the sale or lease of any city property exceeding five hundred dollars in value and no ordinance passed by the council (except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a vote of five members of the council and approved by the mayor or the unanimous vote of all the members over the mayor's disapproval, but no grant of any franchise shall be construed to be urgency matter), shall go into effect before thirty days from the time of its approval by the mayor or the time of its passage over his veto, as the case may be; and if during said thirty days, a petition signed by electors of the city equal in number to at least ten per cent of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance and if the same is not entirely repealed, the council shall submit the ordinance proposed, to the vote of the electors of the city either at the next general municipal election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the first section of this article (the initiative) and shall be examined and certified by the clerk in all respects as therein provided. If the provisions of two or more measures approved and adopted at the same election under the provisions of this charter, conflict, then the measure receiving the highest affirmative vote shall control.

THE RECALL.

SECTION 260. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor for such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by qualified electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk; *provided*, that the said petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence giving the street and number. One of the signers of each such paper shall make oath before an officer qualified to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days after the date of filing such petition the city clerk shall examine and from the great register and certificates of registration ascertain whether or not said petition is signed by the requisite number of qualified and registered electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the city clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and the council shall thereupon order and fix a date for holding the said election, not less than thirty days, nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The council shall make or cause to be made, publication of notice and all arrangements for the holding of such election, and the same shall be conducted, returned and the result thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise, in writing, the clerk shall place his name on the official ballot without nomination.

In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

If any special election be ordered, held and conducted, it shall be ordered, held and conducted (except as to date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

SEC. 261. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the ordinance or proposition to be printed and he shall enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter at least ten days prior to the election, but the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

ARTICLE XXII.

MISCELLANEOUS PROVISIONS.

SECTION 262. The word "city" wherever it occurs in this charter, means the City of Riverside; and every commissioner, commission, department, board, officer or employé, wherever mentioned in this charter, means the commissioner, commission, board, officer or employé, as the case may be, of the City of Riverside. The word "council" or "city council" when used in relation to the legislative department of this city means the common council.

SEC. 263. The fiscal year mentioned in this charter shall commence on the first day of July and end on the thirtieth day of June following.

SEC. 264. All city ordinances, resolutions and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect, until changed or repealed by the proper authority; and all rights vested under any former act or regulation, when this takes effect, shall not be lost or impaired

or discharged thereby. And all contracts of the city or any of its departments or officers, in progress, begun or in existence at the time of the taking effect of this charter and not inconsistent therewith, are hereby preserved and shall continue to be valid and the same shall be enforced, continued or completed in all respects as though vested or begun hereunder.

SEC. 265. No business of, or pending before any officer or department of the city at the time this charter takes effect, shall be discontinued or abandoned by reason thereof, but the same may be carried on and completed by or before the proper officer or department herein provided for.

SEC. 266. This charter shall go into effect for all election purposes, for the purposes of taxation and for the purposes of the board of city accounting, as provided in Article V, Chapter 3, Section 100, on the day of its adoption by the legislature, and for all other purposes, unless otherwise herein provided, at ten o'clock A. M., on the second Monday after the second Tuesday in May, in the year nineteen hundred seven.

SEC. 267. In the event that this charter is not ratified and approved by the thirty-seventh session of the legislature of the State of California, but is ratified by the thirty-eighth session thereof, then the date at which this charter goes into effect, all the dates of the first, second and third general municipal elections and all dates of the commencement and ending of terms of officers and of their appointment, and of the first meetings of boards shall be set forward two years from the said dates as specified in this charter.

CERTIFICATE.

WHEREAS, The City of Riverside, a city containing a population of more than three thousand five hundred inhabitants, did on the ninth day of October, in the year of our Lord, nineteen hundred and six, at a special election and under and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, that in pursuance of said provisions of the constitution, the said board of freeholders has prepared and does propose the foregoing articles signed in duplicate, as and for the charter of the said City of Riverside.

IN WITNESS WHEREOF, we have hereunto set our hands at the City of Riverside, in the State of California, this thirty-first day of December, in the year of our Lord, nineteen hundred six.

S. C. EVANS JR., President.
J. G. BAIRD
L. A. BRUNDIGE
S. J. CASTLEMAN
E. A. CHASE
W. B. CLANCY
L. H. EDMISTON
W. G. FRASER
L. GILL
W. P. GULICK
JAMES MILLS
C. L. McFARLAND
W. A. PURINGTON
J. A. SIMMS
W. L. PETERS, Secretary.

STATE OF CALIFORNIA,
COUNTY OF RIVERSIDE,
CITY OF RIVERSIDE. } ss:

I, C. R. Stibbens, Clerk of the City of Riverside, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter for the City of Riverside, prepared and proposed by a duly qualified board of freeholders, duly elected on the ninth day of October, A. D., nineteen hundred and six; and that a copy of said charter was duly filed with the president of the Board of Trustees of the City of Riverside on the thirty-first day of December, A. D., nineteen hundred and six, said copy having been duly signed by all of the members of said Board; that another copy, signed by all of the members of said Board, was on the thirty-first day of December, A. D., one thousand nine hundred and six, duly filed with the Recorder of the County of Riverside; that thereafter said proposed charter was duly published in two daily newspapers of general circulation in said City of Riverside for at least twenty days, and the first publication thereof was made within twenty days after the completion of the said charter; and that within not less than thirty days after such publication, said charter was duly submitted to the qualified electors of said city at a special election called therefor, said election being held on Friday, the first day of March, A. D., nineteen hundred and seven, and that at said election a majority of such qualified electors voting thereat duly ratified the same.

And I further certify that said City of Riverside is a city containing a population of more than three thousand five hundred inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Riverside this second day of March, A. D., nineteen hundred and six.

[SEAL.]

C. R. STIBBENS,
Clerk of the City of Riverside.

Now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said Charter of the City of Riverside as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the Charter of said City of Riverside aforesaid.

Assembly Concurrent Resolution read.

The question being on the adoption of Assembly Concurrent Resolution No. 23.

The roll was called, and Assembly Concurrent Resolution was adopted by the following vote:

AYES—Messrs Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Cogswell Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Strobridge, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Assembly Concurrent Resolution No. 23 ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section, to be numbered 21, of Article XX thereof, relative to the number of hours of labor or employment in a calendar day.

During second reading of Assembly Constitutional Amendment, the following amendment was submitted by the committee:

Amend by changing the period after the word "provision," on line 13, page 1, printed bill, to a semicolon, and inserting the following: "*provided, however,* this shall apply only to cities having a population of more than fifty thousand."

Amendment adopted.

Assembly Constitutional Amendment No. 26 ordered to print and on file for adoption.

SECOND READING OF BILLS.

Assembly Bill No. 892—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California, to pay for janitor services for said court, and to provide for the maintenance of a law library for said court; also to pay for furnishing and equipping the chambers, court room, clerk's and stenographer's rooms, and the library.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California; to pay," in the title.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "said court," after the words "janitor's services for," in the title, and inserting in lieu thereof the following: "the District Court of Appeal for the Third Appellate District of the State of California."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "eight," Section 1, line 1, first page, printed bill, and inserting in lieu thereof the following: "five."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "two hundred," Section 1, line 1, first page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "rents already incurred and rents to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California; to pay," Section 1, on lines 3, 4, 5, and 6, first page, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "said court," Section 1, on line 7, first page, printed bill, and inserting in lieu thereof the following: "the District Court of Appeal for the Third Appellate District of the State of California."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the word "rent," Section 3, on line 2, second page, printed bill.

Amendment adopted.

Bill read second time.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 892 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 892, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Assembly Bill No. 939—An Act to amend Chapter I, of Title V, of Part III, of the Political Code, providing for the care of insane, feeble-minded, and other incompetent persons, the management of State hospitals, and establishing a board of lunacy commissioners.

During third reading of bill, Mr. Coghlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out the word "sub-committee," in Section 2146, on line 1, printed bill, and inserting in lieu thereof the following: "commissioners."

Also: Amend by striking out the word "of," Section 2146, on line 2 printed bill, and inserting in lieu thereof the following: "for."

Also: Amend by striking out the words "and subject to the said approval; the," in Section 2146, on line 9, printed bill, and inserting in lieu thereof the following: "the commission."

Also: Amend by striking out the word "sub-committee," in Section 2146, on line 10, printed bill.

Also: Amend by striking out the word "commissioner," in Section 2149, on line 13, printed bill, and inserting in lieu thereof the following: "commission."

Also: Amend by striking out the word "sub-committee," in Section 2156, on line 3, printed bill, and inserting in lieu thereof the following: "treasurer."

Also: Amend by striking out the word "sub-committee," in Section 2156, on line 5, printed bill, and inserting in lieu thereof the following: "treasurer."

Also: Amend by striking out the words "said board," in Section 2156, on line 9, printed bill, and inserting in lieu thereof the following: "commission."

Also: Amend by striking out the words "as approved," in Section 2156, on line 14, printed bill.

Also: Amend by striking out the words "by the board of managers," in Section 2156, on line 15, printed bill.

Also: Amend by striking out the words "sub-committee having received the revised and approved estimates," in Section 2156, on lines 22 and 23, printed bill, and inserting in lieu thereof the following: "commission."

Also: Amend by striking out the words "also require," in Section 2156, on line 29, printed bill.

Also: Amend by striking out the words "the sub-committee," in Section 2156, on line 30, printed bill.

Also: Amend by striking out the words "and may also," in Section 2156, on line 31, printed bill.

Also: Amend by striking out the words "require sub-committee," in Section 2156, on line 32, printed bill.

Also: Amend by striking out the word "sub-committee," in Section 2157, on line 26, printed bill.

Also: Amend by striking out the words "and by the," in Section 2157, on line 27, printed bill.

Also: Amend by striking out the word "sub-committee," in Section 2157, on line 43, printed bill, and inserting in lieu thereof the following: "commission."

Also: Amend by striking out the words "by the sub-committee," in Section 2158, on line 3, printed bill.

Also: Amend by striking out the words "sub-committee of," in Section 2160, on line 2, printed bill, and inserting in lieu thereof the following: "commission for."

Also: Amend by striking out the words "sub-committee of the hospital," in Section 2160, on line 5, printed bill, and inserting in lieu thereof the following: "commissioner."

Also: Amend by striking out the word "sub-committee," in Section 2160, on line 8, printed bill, and inserting in lieu thereof the following: "commissioner."

Also: Amend by striking out the word "sub-committee," in Section 2193, on line 17, printed bill, and inserting in lieu thereof the following: "commission."

Motion carried.

The Speaker appointed Mr. Coghlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 939, with instructions, do now report that the instructions of the Assembly have been carried out.

COGHLAN, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

RECESS.

At five o'clock and ten minutes P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M., the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. Johnson of Sacramento, Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice—was recalled from the Committee on Judiciary and ordered on file for second reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1—An Act creating a board, to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks and employés.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 passed by the following vote:

AYES—Messrs. Berry, Beban, Beckett, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Costar, Cullen, Davis, Devlin, Drew, Fisher, Fratessa, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Ludington, McKeon, McMullin, O'Brien, Otis, Percival Pierce, Pyle, Sackett, Smith, Smyth, Spaulding, Stanton, Johnson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Pyle asked for and was granted unanimous consent to withdraw Assembly Bill No. 571—An Act to amend Sections 3093, 3094, and 3095 of the Political Code of the State of California, relating to dissection, approved March 12, 1892—it being identical with Senate Bill No. 556, now in this House.

Assembly Bill No. 571 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 556—An Act to amend Sections 3093, 3094, and 3095 of the Political Code, relating to dissection, enacted March 12, 1872.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 556 finally passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Ludington, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Strohl, Transue, Vogel, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Pyle asked for and was granted unanimous consent to withdraw Assembly Bill No. 711—An Act to amend Sections 337, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced—it being identical with Senate Bill No. 555, now in this House.

Assembly Bill No. 711 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 555—An Act to amend Sections 336, 337, 338, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 555 finally passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Ludington, McClellan, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stanton, Transue, Vogel, Weske, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Mr. Beban—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 622—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 622 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Collister, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Ludington, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stanton, Strohl, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

On motion of Mr. Held, Assembly Bill No. 21—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known as and numbered Section 637*b*, relating to the division of the State of California into fish and game districts—was withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 849—An Act to amend Section 18 of the Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, the Act known as "The County Government Act."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 849 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Drew, Estudillo, Finney, Fisher, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, No. 9, relating to furnishing the series of school text-books published by this State to institutions in this State conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 807 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Boyle, Bush, Butler, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Fisher, Fratessa, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Strohl, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—Messrs. Birdsall, Bishop, Chandler, Collister, Costar, Drew, Estudillo, Finney, Held, Higgins, Pierce, Spaulding, and Weske—13.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

On motion of Mr. Leeds, Assembly Bill No. 859—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State—was withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 916—An Act to amend Section 16 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemptions of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses,

and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 916 passed by the following vote:

AYES—Messrs. Beban, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Collister, Cornish, Cullen, Davis, Devlin, Drew, Fisher, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McKeon, Pierce, Pyle, Root, Smith, Strohl, Strobridge, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.
NOES—Messrs. Birdsall, Kelly, Otis, Percival, and Spaulding—5.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Estudillo asked for and was granted unanimous consent to withdraw Assembly Bill No. 1010—An Act making an appropriation of twenty thousand dollars ($20,000), to be expended by the Board of Capitol Commissioners for making alterations, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof—it being identical with Senate Bill No. 880, now in this House.

Assembly Bill No. 1010 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 880—An Act making an appropriation of twenty thousand dollars ($20,000), to be expended by the Board of Capitol Commissioners for making alteration, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 880 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sac-

ramento, Johnson of San Diego, Jury, Kelly, Leeds, Ludington, Lynch, McClellan, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Smith, Spaulding, Thompson of San Francisco, Toomey, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.
NOES—Mr. Chandler—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 596—An Act to amend Section 199 of the Code of Civil Procedure of the State of California, relative to competency of jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 596 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, Percival, Pierce, Pyle, Root, Smith, Spaulding, Strohl, Toomey, Transue, Vogel, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 946—An Act empowering the board of supervisors of the several counties of the State of California to direct the payment of all license fees, collected under the authority of said boards, to be paid into and credited to the road fund for the road district in which the business authorized by such license is situated.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 946 refused passage by the following vote:

AYES—Messrs. Beckett, Berry, Boyle, Bush, Butler, Collister, Cutten, Estudillo, Finney, Fisher, Forbes, Hewitt, Johnson of San Diego, Jury, Lemon, Ludington, McClellan, McKeon, McMullin, Pierce, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Wyatt, and Mr. Speaker—28.
NOES—Messrs. Beban, Birdsall, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Devlin, Drew, Fratessa, Hartmann, Held, Higgins, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lynch, O'Brien, Otis, Percival, Pyle, Sackett, Smith, Spaulding, Strobridge, Whitmore, and Wilson—31.

Assembly Bill No. 755—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, by adding one new section thereto, to be numbered Section 13*a*, relating to the duties of boards of supervisors, providing how, and under what conditions, ordinances adopted by boards of supervisors, regulating or prohibiting the sale of malt, vinous, or other intoxicating liquors, and regulating or prohibiting the issuance of licenses for the sale thereof, shall take effect; and providing for compensation to persons who sustain loss or suffer damages by the taking effect and enforcement of such ordinances.

Bill read third time.

The question being on the passage of the bill.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Leeds moved a call of the House.

Motion carried.

Time, nine o'clock and twenty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—62.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Pierce was brought before the bar of the House and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and thirty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Bishop, Boyle, Bush, Campbell, Coghlan, Cullen, Fisher, Forbes, Fratessa, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Pierce, Root, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

NOES—Messrs. Birdsall, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Held, Hewitt, Percival, Pyle, Sackett, Smith, and Weske—20.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 918 passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Transue asked for and was granted unanimous consent to withdraw Assembly Bill No. 896—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés—it being identical with Senate Bill No. 800, now in this House.

Assembly Bill No. 896 withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 800—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 800 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Case, Collister, Costar, Cutten, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Ludington, Lynch, McClellan, McKeon, O'Brien, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strohl, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 593—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class and repealing all conflicting Acts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 593 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

On motion of Mr. Transue, Assembly Concurrent Resolution No. 19, as amended, was taken up for consideration.

Assembly Concurrent Resolution No. 19—Relative to adjournment *sine die*.

Assembly Concurrent Resolution read.

The question being on the adoption of Assembly Concurrent Resolution No. 19.

The roll was called, and Assembly Concurrent Resolution No. 19 adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McKeon, McMullen, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—63.

NOES—None.

Assembly Concurrent Resolution No. 19 ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Lynch asked for and was granted unanimous consent to withdraw Assembly Bill No. 851—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof—it being identical with Senate Bill No. 758, now in this House.

Assembly Bill No. 851 withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 758—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

During third reading of bill, Mr. Lynch moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out of line 6 of the printed bill the word "easterly," and inserting in lieu thereof the word "westerly."

Also: Strike out of line 7 the word "easterly," and insert in lieu thereof the word "westerly."

Motion carried.

The Speaker appointed Mr. Lynch as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 758, with instructions, do now report that the instructions of the Assembly have been carried out.

LYNCH, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Assembly Bill No. 919—An Act to add a new section to the Penal Code, to be numbered Section 566, and relating to the correct weight of agricultural products sold by the bale.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 919 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Case, Coghlan, Collister, Cornish, Davis, Drew, Estudillo, Finney, Fratessa, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McKeon, McMullin, O'Brien, Pierce, Root, Sackett, Smith, Stetson, Strohl, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wessling, and Wilson—43.

NOES—Messrs. Butler, Chandler, Cogswell, Costar, Cutten, Devlin, Forbes, Held, Johnson of San Diego, Lynch, McClellan, Otis, Percival, Pyle, Whitmore, Wyatt, and Mr. Speaker—17.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 675—An Act to amend Sections 3804 and 3805*a* of the Political Code, relating to the refunding of taxes and the cancellation of certificates of tax sales.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 675 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Mr. Transue offered the following amendment to the title of the bill:

Strike out all of title to bill, and insert in lieu thereof the following:
"An Act to amend Section 3804 of the Political Code, relating to the refunding of taxes erroneously collected."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801; also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 840 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Butler, Chandler, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Strobridge, Thompson of San Francisco, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—48.

NOES—None.

Mr. Transue offered the following amendment to the title:

Strike out all of title and insert in lieu thereof the following:
"An Act to amend Section 3788 of the Political Code, relating to the sale of State lands, and delinquent taxes due thereon."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

During second reading of bill, the following amendment was submitted by the committee:

On line 21, of page 2, strike out the period after the word "diligence," and insert in place thereof a semicolon and add the words, "*and provided further*, that nothing herein contained shall be deemed to extend or revive any lease which by its terms has expired, nor to apply to any interest or claim of interest other than under a lease."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Assembly Bill No. 347—An Act to authorize the depositing of county and municipal moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 347 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Finney, Fisher, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, O'Brien, Otis, Percival, Pyle, Root, Smith, Stetson, Strobridge, Thompson of San Francisco, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 475—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of expenditure thereof.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 475 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 475, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 653—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1003—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 981—An Act to amend the Penal Code by adding thereto a new section, to be numbered 515, relating to embezzlement by a co-owner or co-partner.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 959—An Act to require persons and corporations owning or operating steam railroads to construct stock passes under their tracks when such tracks divide into two or more parts a parcel of land used for stock-raising, pasturage or grazing.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 963—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code, relating to succession of community property.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 962—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 733—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California," approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 734 An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 735—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 736—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 738—An Act to repeal an Act entitled "An Act to extend the time for filing with the Insurance Commissioner statements of insurance business transacted during the year ending December 31, 1905, within the time prescribed by law, and to remit penalties for failing to file the same," approved June 14, 1906.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 523—An Act to add a new section to the Civil Code, to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 313—An Act providing for courses of study in agriculture and domestic science in high schools, and making an appropriation in aid thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "and making an appropriation in aid thereof," of title, first page, printed bill, and inserting a period after the word schools.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out all of Sec. 5 and Sec. 6, second page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "herein provided," of Sec. 4, on line 1, second page, printed bill; also strike out all of Sec 4 after the word "therefrom," on line 4, second page, printed bill, and insert a period after the word "therefrom."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all the words of Sec. 3 after the word "with," on line 5, second page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out all of Sec. 2, first page, printed bill, and inserting in lieu thereof the following:

SEC. 2. The Dean of the Department of Agriculture of the State University shall issue special credentials to those qualified to teach agriculture or domestic science, upon which county boards of education are authorized and empowered to issue special certificates.

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 313 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of the Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 313, and do now report same back, and recommend that it do pass, as amended.

BEARDSLEE, Chairman.

Bill ordered to print and engrossment.

Assembly Bill No. 999—An Act to provide for the creation of associations for the cremation of dead bodies, and the burial and care of the incinerate remains; to prescribe the powers thereof; to provide for the creation of an irreducible fund therefor, and to prescribe the duties of the trustees of said association.

Bill read second time, and ordered to engrossment.

Assembly Concurrent Resolution No. 21—Relative to work done by the Outdoor Art League for the five per centum bill.

ASSEMBLY CONCURRENT RESOLUTION No. 21.

Relative to work done by the Outdoor Art League for the Five Per Centum Bill.

WHEREAS, The Outdoor Art League of San Francisco, department of the California Club, was invited by Government officials representing the State of California in Washington, to work for the passage of a bill collecting from the Government of the United States for the State of California five per cent on the cash sales of all lands belonging to the public domain within the borders of the State, which percentage from said sales has been accorded by the Government of the United States to all states having part of the public domain within their borders at the times they were respectively admitted to the Union, and which percentage was under the provisions of the Constitution of the State of California to become when collected a part of the permanent school fund of the State; and

WHEREAS, The Outdoor Art League, an organization composed of patriotic women, having acceded to said request to supplement the efforts of our representatives at Washington, made a national campaign, and expended time, energy and money in arousing the interest and coöperation of governors of states and presidents of universities and colleges throughout the country; and

WHEREAS, Through the untiring efforts and influence of said league, the Five Per Centum Bill was passed by the Congress on the 19th day of June, 1906, thereby bringing approximately one million dollars into the State treasury to be used as a permanent fund for the benefit of the common schools of the State; now, therefore,

Resolved by the Assembly, the Senate concurring, That the California Legislature of 1907, in regular session, does hereby extend a resolution of appreciation of work accomplished by the California Outdoor Art League of San Francisco in the cause of education in the State of California;

Be it, likewise, further resolved, That a copy of this resolution be properly engrossed and forwarded to said organization.

Assembly Concurrent Resolution read.

The roll was called, and Assembly Concurrent Resolution No. 21 adopted by the following vote:

AYES—Messrs. Berry, Boyle, Bush, Butler, Campbell, Case, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Transue, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Mr. Beban—1.

Assembly Concurrent Resolution No. 21 ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 22—Relative to the consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months.

ASSEMBLY CONCURRENT RESOLUTION No. 22.

Relative to consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California has consented, and does hereby consent, that the State Controller of the State of California, A. B. Nye, may depart from the State of California at any time during the remainder of his official term, and may remain absent for a period not to exceed three months from and immediately succeeding the time of his departure.

Assembly Concurrent Resolution read.

The roll was called, and Assembly Concurrent Resolution No. 22 adopted by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Bishop, Boyle, Bush, Case, Chandler, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Stanton, Stetson, Strobridge, Thompson of San Francisco, Transue, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Assembly Concurrent Resolution No. 22 ordered transmitted to the Senate.

Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers, and documents in the office of the Surveyor-General, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 1026 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1026, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties; for locating the county seats; for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 465—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3d day of June, 1906, shall be held invalid by reason of being entered into on any such holidays nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said Code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephones and transmission lines."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751½, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property, and in actions for specific performance.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 265—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East Street, in the block bounded by Drumm, Washington, Jackson, and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "fifteenth," Section 1, on line 4, first page, printed bill, and inserting in lieu thereof the following: "first."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "three," Section 9, on line 6, fourth page, printed bill, and inserting in lieu thereof the following: "two."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "626*j*. There shall be a closed season on deer for three years, from the passage of this Act, and any one killing a deer during this period shall be guilty of a misdemeanor," Section 5, on line 3, second page, printed bill, and inserting in lieu thereof the following:

"626*j*. Every person who, owning, controlling or having in his possession, any dog or dogs, willfully suffers, permits or allows said dog or dogs to run, track or trail any deer at any time, except a wounded deer, during the season that deer may be lawfully killed, is guilty of a misdemeanor."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

SPECIAL ORDER SET.

On motion of Mr. Drew, Senate Committee Substitute for Senate Bills Nos. 21 and 394—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom, except under certain stated conditions and restrictions—was made a special order for eleven o'clock A. M. of Wednesday, March 6, 1907.

Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Bill read second time.

Senate Bill No. 535—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Bill read second time.

Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of an electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Bill read second time.

Senate Bill No. 644—An Act to appropriate $2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and to authorize the trustees of said school to construct said retaining walls and fences.

Bill read second time.

Senate Bill No. 743—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Bill read second time.

Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 696, 535, 581, 644, 743, and 260.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 696, 535, 581, 644, 743, and 260 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 696, 535, 581, 644, 743, and 260, and do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 929—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 441—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 441 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

GENTLEMEN: Your Committee of the Whole have had under consideration Senate Bill No. 441, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867," approved March 30, 1868, approved March 12, 1885.

Bill read second time, and ordered on file for third reading.

RE-REFERENCE OF BILLS.

On motion of Mr. Coghlan, Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin, and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same—and Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people—were re-referred to the San Francisco Delegation.

THIRD READING OF BILL—(OUT OF ORDER).

Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 947 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Bishop, Boyle, Bush, Campbell, Chandler, Collister, Cornish, Cutten, Davis, Drew, Estudillo, Fisher, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Strohl, Strobridge, Transue, Walsh, Weske, and Mr. Speaker—44.

NOES—Mr. Kelly—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Amend by striking out the words "and construction of a concrete receiving tank or house supply reservoir," on lines 3, 4, and 5 of the title, printed bill.

Amendment adopted.

AMENDMENT NO. 2.

Amend by striking out the word "sixty-three," of Section 1, line 1, page 1, and inserting in lieu thereof the following: "fifty-one."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the word "purposes," Section 1, line 4, first page, and inserting in lieu thereof the word "purpose."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out all after the word "used," Section 1, line 9, page 1, and inserting a period after the word "used."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out all of Section 2.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the figure "3," Section 3, line 1, page 2, and inserting in lieu thereof the figure "2."

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out the figure "4," Section 4, line 1, page 2, and inserting n lieu thereof the figure "3."

Amendment adopted.

Bill read second time.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill, as amended.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 398 considered.

Mr. Leeds moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 398, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered to print, and on file for third reading.

Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

During third reading of bill, Mr. Percival moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend Section 1 by inserting after the word "thistle," in line 12, page 1 of the printed bill, the following: "and Cnicus lanceolatus, otherwise known as bull thistle."

Also: Amend Section 2 by inserting after the word "thistle," in line 11, page 2 of the printed bill, the following: "and Cnicus lanceolatus, otherwise known as bull thistle."

Also: Amend Section 3 by inserting after the word "thistle," in line 11, page 2 of the printed bill, the following: "and Cnicus lanceolatus, otherwise known as bull thistle."

Motion carried.

The Speaker appointed Mr. Percival as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 989, with instructions, do now report that the instructions of the Assembly have been carried out.

PERCIVAL, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

RE-REFERENCE OF BILLS.

On motion of Mr. Hewitt, Senate Bill No. 787—An Act to dissolve Protection District No. 2, of Yuba County, California, and providing for the liquidation and winding up of said dissolved district—was recalled from the Committee on Swamp and Overflowed Land and Drainage, and ordered on file for second reading.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were submitted (unanimous consent having been obtained for their reception):

By Mr. Transue:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same for the sum of one thousand dollars ($1,000) in favor of J. C. Schaden, same being in payment of the Assembly's portion, one half, of rent of Red Men's Hall for the month of March, 1907, as per bill attached:

SACRAMENTO, CAL., February 28, 1907.

State of California,

TO RED MEN'S HALL ASSOCIATION, Dr.

To rent of building on Tenth, between I and J streets, for month of March ($2,000) two thousand dollars.

J. C. SCHADEN, President.

(SEAL) A. DUNBAR, Secretary.

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two hundred and eighty dollars ($280) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for payment of the following bills attached, rent of committee rooms:

SACRAMENTO, CALIFORNIA, February 15, 1907.

J. T. Stafford, Sergeant-at-Arms, Assembly, California Legislature.

To rent of Room No. 17, Elks' Building, for Committee on Constitutional Amendments and Committee on Election Laws, February 14 to March 14, 1907	$30 00
To rent of chairs and table	5 00
Total	$35 00

SACRAMENTO, CALIFORNIA, February 14, 1907.

The Assembly, State of California,

TO PYTHIAN CASTLE ASSOCIATION, Dr.

To rent for month from February 14, to March 14, 1907 ..... $125 00

SACRAMENTO, CALIFORNIA, February 14, 1907.

The Assembly, State of California,

TO MAX HYMAN, Dr.

Rent of committee room from February 14, 1907, to March 14, 1907 ..... $20 00

SACRAMENTO, CALIFORNIA, February 14, 1907.

State Assembly of California,

TO UNION CLUB, Dr.

To use of large assembly room and small rooms for one month, from February 14, 1907, to March 14 ..... $100 00

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of $909.66 in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

W. F. Purnell	$85 48
Capital Telephone and Telegraph Co.	7 80
R. O. Kimbrough	6 65
Hook & Son	7 50
A. J. Johnston Co.	567 75
A. S. Hopkins Co.	16 96
John Breuner Co.	52 01
Suter-Hevener Mill Co.	2 10
Scott, Lyman & Stack	29 70
Mrs. C. Markell	17 50
F. R. Pulford	13 70
Thos. Lewis	25 50
H. McWilliams	38 25
Kane & Trainor	31 50
Capital Furniture Manufacturing Co.	1 50
Western Union Telegraph Co.	5 76
Total	$909 66

Resolutions referred to Committee on Contingent Expenses and Accounts.

ADJOURNMENT.

At eleven o'clock and fifteen minutes P. M., on motion of Mr. Transue, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Wednesday, March 6, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, March 6, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—69.

Quorum present.

LEAVE OF ABSENCE.

On motion, Mr. Eshleman was granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain of the Senate, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Pierce, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 923—An Act to provide for the payment of attorney fees in justices' courts and other inferior courts—report the same back, with three amendments, and recommend that it do pass as amended.

Also: Assembly Bill No. 986—An Act to protect all citizens in their civil and legal rights, and to fix a penalty for violation thereof—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 451—An Act to give permanency to the decisions of the Supreme Court—report the same back, without recommendation.

Also: Senate Bill No. 780—An Act to amend Section 1619 of the Code of Civil Procedure, relating to the compensation of attorneys of executors and administrators for extraordinary services—report the same back, and recommend that it do pass.

Also: Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots—report the same back, and recommend that it do pass.

Also: Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution—report the same back, and recommend that it do pass.

Also: Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California—report the same back, and recommend that it do pass.

Also: Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California—report the same back, and recommend that it do pass.

Also: Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof—report the same back, and recommend that it do pass.

Also: Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded—report the same back, with two amendments, and recommend that it do pass as amended.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON IRRIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BISHOP, Chairman.

Senate Bill No. 653 ordered on file for second reading.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Ways and Means.

CORNISH, Chairman.

Senate Bill No. 152 referred to Committee on Ways and Means.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolutions:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same for the sum of one thousand dollars ($1,000) in favor of J. C. Schaden, same being in payment of the Assembly's portion, one half, of rent of Red Men's Hall for the month of March, 1907, as per bill attached:

SACRAMENTO, CAL., February 28, 1907.

State of California,

TO RED MEN'S HALL ASSOCIATION, Dr.

To rent of building on Tenth, between I and J streets, for month of March, ($2,000) two thousand dollars.

J. C. SCHADEN, President.

(SEAL) A. DUNBAR, Secretary.

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two hundred and eighty dollars ($280) in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for payment of the following bills attached, rent of committee rooms:

SACRAMENTO, CALIFORNIA, February 15, 1907.

J. T. Stafford, Sergeant-at-Arms Assembly, California Legislature.

To rent of Room No. 17, Elks' Building, for Committee on Constitutional Amendments and Committee on Election Laws, February 14 to March 14, 1907	$30 00
To rent of chairs and table	5 00
Total	$35 00

SACRAMENTO, CALIFORNIA, February 14, 1907.

The Assembly, State of California,

TO PYTHIAN CASTLE ASSOCIATION, Dr.

To rent for month from February 14 to March 14, 1907 ..... $125 00

SACRAMENTO, CALIFORNIA, February 14, 1907.

The Assembly, State of California,

TO MAX HYMAN, Dr.

Rent of committee room from February 14, 1907, to March 14, 1907 ..... $20 00

SACRAMENTO, CALIFORNIA, February 14, 1907.

State Assembly of California,

TO UNION CLUB, Dr.

To use of large assembly room, and small rooms for one month, from February 14, 1907, to March 14, 1907 ..... $100 00

Resolved, That the Controller be and is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of $909.66 in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

W. F. Purnell	$ 85 48
Capital Telephone and Telegraph Co.	7 80
R. O. Kimbrough	6 65
Hook & Son	7 50
A. J. Johnston Co.	567 75
A. S. Hopkins Co.	16 96
John Breuner Co.	52 01
Suter-Hevener Mill Co.	2 10
Scott, Lyman & Stack	29 70
Mrs. C. Markell	17 50
F. R. Pulford	13 70
Thos. Lewis	25 50
H. McWilliams	38 25
Kane & Trainor	31 50
Capital Furniture Manufacturing Company	1 50
Western Union Telegraph Company	5 76
Total	$909 66

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

BERRY, Chairman.

The report and resolutions read.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—52.

NOES—None.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 845—An Act to amend Section 3680 of the Political Code of the State of California, relating to sale of land for taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Senate Bill No. 845 ordered on file for second reading.

MESSAGES FROM THE SENATE.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 901—An Act to amend Section 2757 of the Civil Code.

Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522*a* thereof, relating to certification of the monthly statement by the Secretary of the Board of State Harbor Commissioners to the State Controller, and employment of a certified public accountant therefor.

Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.

Senate Bill No. 854—An Act entitled "An Act to amend Section 737 of the Political Code," relating to salaries of superior judges.

Committee Substitute for Senate Bill No 557—An Act entitled "An Act to regulate the recordation of the subscriptions to the capital stock of the Water Users' Association."

Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways, for the fifty-eighth fiscal year.

Committee Substitute for Senate Bill No. 806—An Act to pay the claim of John E. Toler against the State of California, and making an appropriation therefor.

Senate Bill No. 259—An Act appropriating one hundred and fifty thousand dollars ($150,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Committee Substitute for Senate Bill No. 273 and Senate Bill No. 342—An Act providing for the organization and management of mutual fire insurance companies.

Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act.

Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Senate Bill No. 768—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended and approved March 20, 1905.

Senate Bill No. 750—An Act to add a new section to the Political Code, to be known as Section 625*a*, relating to information to be furnished each county clerk by the insurance commissioner.

Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing or relocation of bridges over navigable waters between said counties jointly with other persons or corporations.

Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Assembly Bill No. 814—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section, to be numbered 8*a*.

Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 20, 1905, and to change and re-direct the manner of expenditure thereof.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6*a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in cases of the loss or destruction of public records," approved June 16, 1906.

Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops and the amount to be deducted as tare

Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day adopted the following:

Assembly Concurrent Resolution No. 23—Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein for the purpose of ratifying said charter, on the first day of March, 1907.

Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of California, by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 3 of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

Senate Concurrent Resolution No. 15—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.

Senate Concurrent Resolution No. 16—Relative to the consent of the Legislature to the absence of Hon. Warren R. Porter, Lieutenant-Governor of the State of California, for more than sixty (60) days.

Senate Concurrent Resolution No. 17—Relative to the consent of the Legislature to the absence of His Excellency, Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 258—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections, and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other states, and to pay the necessary expenses thereof.

Also: Refused adoption to Assembly Constitutional Amendment No. 1—Relative to the right of suffrage.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended the following:

Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof."

Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provision of the said Act or Acts.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

Assembly Bill No. 702—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.

Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of California, relating to mileage of members of the Legislature.

Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered 2295*a*, and relating to the supplying the State Library with State publications for exchange purposes.

Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day ordered returned to your honorable body, as per request, Senate Bill No. 396—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 901 read first time, and referred to Committee on Judiciary.

Senate Bill No. 862 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 810 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 829 read first time, and referred to Committee on Election Laws.

Senate Bill No. 854 read first time, and referred to Committee on Judiciary.

Committee Substitute for Senate Bill No. 557 read first time, and referred to Committee on Judiciary.

Senate Bill No. 873 read first time, and referred to Committee on Roads and Highways.

Committee Substitute for Senate Bill No. 806 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 259 read first time, and referred to Committee on Ways and Means.

Committee Substitute for Senate Bills Nos. 273 and 342 read first time, and placed on file without reference.

Senate Bill No. 798 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 498 read first time, and placed on file without reference.

Senate Bill No. 768 read first time, and referred to Committee on Fruit and Vine Interests.

Senate Bill No. 750 read first time, and referred to Committee on Insurance and Insurance Laws.

Assembly Bills Nos. 875, 887, 765, 814, 648, 619, 931, 867, 177, and 886 and Assembly Concurrent Resolution No. 23 ordered to enrollment.

Senate Constitutional Amendments Nos. 19 and 36 referred to Committee on Constitutional Amendments.

Senate Concurrent Resolution No. 15 referred to Committee on Military Affairs.

SENATE CONCURRENT RESOLUTION No. 16.

Relative to the consent of the Legislature to the absence of Hon. Warren R. Porter, Lieutenant-Governor of the State of California, for more than sixty (60) days.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that the Hon. Warren R. Porter, Lieutenant-Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term, for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.

Senate Concurrent Resolution read.

The roll was called, and Senate Concurrent Resolution No. 16 adopted by the following vote:

AYES—Messrs. Barry, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McMullin, O'Brien, Percival, Pyle, Smith, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Senate Concurrent Resolution No. 16 ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 17.

Relative to the consent of the Legislature to the absence of His Excellency, Hon. James N. Gillett, Governor of the State of California, for more than sixty (60) days.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California has consented, and does hereby consent, that His Excellency, James N. Gillett, Governor of the State of California, may absent himself from the State of California, at such times as he may choose, or as necessity may require, during his official term, for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.

Senate Concurrent Resolution read.

The roll was called, and Senate Concurrent Resolution No. 17 adopted by the following vote:

AYES—Messrs. Barry, Birdsall, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, O'Brien, Percival, Pyle, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Senate Concurrent Resolution No. 17 ordered transmitted to the Senate.

Assembly Bill No. 616—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof."

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 616?"

SENATE AMENDMENTS.

On page 1, strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. A new section is hereby added to the Act referred to in the title hereof entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," and which became a law February 25, 1901, to be known as and numbered Section 12½, and to read as follows:

Section 12½. All proceedings which may have been prior to the passage of this Act, taken by any city, town or municipal corporation, incorporated under the laws of this State, in a manner prescribed by the said Act of which this Act is amendatory, for the incurring of indebtedness for the purpose of acquiring, constructing, completing or repairing any wharf or wharves, shall be and the same are hereby declared to be valid as fully as though the incurring of indebtedness for such purpose had been expressly authorized by said Act, and any and all indebtedness incurred, or which may hereafter be incurred, by any such city, town or municipal corporation, or any bonds which may have been or may hereafter be issued pursuant to any such proceedings so taken or had shall be and the same are hereby declared to be valid, as fully as though the creation of said indebtedness or the issuance of said bonds had been expressly authorized by said Act.

SEC. 2. This Act shall take effect immediately.

Also: On page 1, title, strike out all of the title, and insert in lieu thereof the following: "To add a new section to an Act entitled 'An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction, or completion thereof,' which became a law February 25, 1901, relating to the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, to be known as Section 12½, and providing for the validation of proceedings taken by cities, towns, and municipal corporations, for the incurring of indebtedness for the purpose of acquiring, constructing, completing, or repairing any wharf or wharves, and making valid any such indebtedness incurred or any bonds which have been or may be issued in pursuance of any such proceedings."

The roll was called, and Senate amendments to Assembly Bill No. 616 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Boyle, Bush, Butler, Case, Coghlan, Collister, Cornish, Cullen, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Assembly Bill No. 616 ordered to reëngrossment and enrollment.

Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts."

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 812?"

SENATE AMENDMENTS.

Amend by striking out quotation marks after word "Acts," in last line of title, and inserting quotation marks after word "purposes," in line 9 of title.

Also: Amend Section 1, page 2, line 12, by striking out quotation marks after word "installments," and inserting quotation marks after word "purposes," in line 8 thereof.

The roll was called, and Senate amendments to Assembly Bill No. 812 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hewitt, Higgins, John, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Assembly Bill No. 812 ordered to reëngrossment and enrollment.

Assembly Bill No. 702—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 702?"

SENATE AMENDMENT.

Amend by striking out of Section 1, lines 3 and 4, the words "of engine."

The roll was called, and Senate amendment to Assembly Bill No. 702 was concurred in by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Assembly Bill No. 702 ordered to reëngrossment and enrollment.

Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of California, relating to mileage of members of the Legislature.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 636?"

SENATE AMENDMENTS.

On page 1, line 5 of printed bill, strike out the word "five," and insert in lieu thereof the word "ten."

Also: After the end of the sentence in line 6 add the following: "During sessions of the Legislature members thereof traveling on the business of either house shall receive for any trip or trips authorized by either house an amount equal to their actual expenses incurred on such trip or trips."

The roll was called, and Senate amendments to Assembly Bill No. 636 were concurred in by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Collister, Costar, Cullen, Davis, Devlin, Drew, Forbes, Fratessa, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McConnell, Otis, Pierce, Pyle, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Assembly Bill No. 636 ordered to reëngrossment and enrollment.

Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered 2295*a*, and relating to the supplying the State Library with State publications for exchange purposes.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 640?"

On page 1, Section 1, line 3, strike out the word "Section."

The roll was called, and Senate amendment to Assembly Bill No. 640 was concurred in by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Estudillo, Forbes, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, McConnell, McMullin, O'Brien, Otis, Pierce, Pyle, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Assembly Bill No. 640 ordered to reëngrossment and enrollment.

Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 552?"

SENATE AMENDMENTS.

On page 1, Section 1, line 2, after the word "trial," insert the following: "in action or proceeding."

Also: On page 1, Section 1, line 5, after the word "proceeding," insert the following: "is."

Also: On page 2, Section 1, line 16, strike out the word "a," and insert in lieu thereof the following: "such."

On motion, the question of concurring in Senate amendments to Assembly Bill No. 552 was placed on file for further consideration, subject to call.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 225—An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Stanton moved a call of the House.

Motion carried.

Time, one o'clock P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beban, Beckett, Birdsall, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—64.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Mr. Coghlan was brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At one o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Drew.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was refused passage by the following vote:

AYES—Messrs. Birdsall, Butler, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Finney, Forbes, Held, Hewitt, John, Johnson of Sacramento, Lemon, Lucas, Lynch, McClellan, McConnell, McMullin, O'Brien, Percival, Spaulding, Stetson, Thompson of Los Angeles, Weske, Whitmore, and Mr. Speaker—31.

NOES—Messrs. Beban, Beckett, Bishop, Boyle, Bush, Coghlan, Cornish, Cullen, Fisher, Fratessa, Hammon, Hartmann, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, McKeon, Otis, Pierce, Pyle, Root, Smith, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, Wilson, and Wyatt—35.

WITHDRAWAL OF BILL.

Mr. Lynch asked for and was granted unanimous consent to withdraw Assembly Bill No. 539—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Bill withdrawn, and ordered stricken from the file.

APPOINTMENT OF COMMITTEES ON CONFERENCE.

The Speaker announced the appointment of the following committees on conference to meet with like committees appointed by the Senate:

On Assembly Bill No. 825: Messrs. Held, Jury, and Finney.
On Assembly Bill No. 628: Messrs. Leeds, Lynch, and Bishop.

RECESS.

At one o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905.

During third reading of the bill, Mr. Cornish moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the following: "January 1, 1909," on line 2 of Section 2, page 1 of printed bill, and insert in lieu thereof the following: "its passage."

Motion carried.

The Speaker appointed Mr. Cornish as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 367, with instructions, do now report that the instructions of the Assembly have been carried out.

CORNISH, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and on file for passage.

REQUESTS FOR INTRODUCTION OF BILLS.

The following petitions asking permission to introduce bills out of order were offered:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract."

McCONNELL,
Member Sixteenth Assembly District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers."

TRANSUE,
Member Seventy-third Assembly District.

Petitions referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz.:

Assembly Bill No. 592—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, respecting certain other sections, and adding certain sections thereto," approved March 23, 1901.

Assembly Bill No. 121—An Act to amend Section 25 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897,

relating to the powers of boards of supervisors and the duties and compensation of health officers appointed by such boards.

Assembly Bill No. 533—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, relating to the compensation of county and township officers in counties of the fifty-second class.

Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.

Assembly Bill No. 475—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of the expenditure thereof.

Assembly Bill No. 653—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the board of trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Assembly Bill No. 999—An Act to provide for the creation of associations for the cremation of dead bodies, and the burial and care of the incinerate remains; to prescribe the powers thereof; to provide for the creation of an irreducible fund therefor, and to prescribe the duties of the trustees of said association.

Assembly Bill No. 738—An Act to repeal an Act entitled "An Act to extend the time for filing with the Insurance Commissioner statements of insurance business transacted during the year ending December 31, 1905, within the time prescribed by law, and to remit penalties for failing to file the same," approved June 14, 1906.

Assembly Bill No. 736—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies.

Assembly Bill No. 735—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Assembly Bill No. 734—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health and accident insurance corporations.

Assembly Bill No. 733—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Assembly Bill No. 962—An Act to amend Section 172 of the Civil Code of the State of California, relating to the management and control of community property.

Assembly Bill No. 963—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code, relating to succession of community property.

Assembly Bill No. 1003—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

Assembly Bill No. 959—An Act to require persons and corporations owning or operating steam railroads, to construct stock-passes under their tracks when such tracks divide into two or more parts a parcel of land used for stock raising, pasturage or grazing.

Assembly Bill No. 981—An Act to amend the Penal Code by adding thereto a new section to be numbered Section 515, relating to embezzlement by a co-owner or co-partner.

Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers and documents in the office of the Surveyor-General, and making an appropriation therefor.

Also: Beg leave to report that the following Assembly bill has been correctly reëngrossed, viz:

Assembly Bill No. 254—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314.00) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Assembly Bill No. 254 ordered on file for passage.

On motion of Mr. Transue, Assembly Bill No. 636 was ordered returned to the Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No. 491—An Act for the protection of the health of men employed in the service of street and interurban railroads and regulating the hours of employment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 491 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Chandler, Collister, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kelly, Kohlman, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Root, Smith, Spaulding, Stetson, Strohl, Thompson of San Francisco, Toomey, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—46.

NOES—Messrs. Case, Cogswell, Costar, Leeds, Otis, Pyle, Sackett, Stanton, Strobridge, Thompson of Los Angeles, and Transue—11.

Title read and approved

Bill ordered transmitted to the Senate.

SENATE MESSAGE.

On motion of Mr. Walsh, the following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Concurrent Resolution No. 19—Approving four certain amendments to the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the first day of March, one thousand nine hundred and seven.

LEWIS A. HILBORN, Secretary of Senate.
By D. J. SHIELDS, Assistant Secretary.

SENATE CONCURRENT RESOLUTION No. 19.

Approving four certain amendments to the charter of the City of Oakland, in Alameda County, California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the first day of March, one thousand nine hundred and seven.

WHEREAS, The City of Oakland, in the County of Alameda, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose in manner, form and substance as required by law, and approved by the legislature of the State of California, and said charter has not been amended at any time less than two years; and

WHEREAS, The legislative body and authority of the City of Oakland, in Alameda County, California, that is to say, the council of the City of Oakland, did, by Ordinance No. 2544, passed and adopted by said council on the twenty-fourth day of December, one thousand nine hundred and six, and approved by the mayor of said city subsequently thereto and on the twenty-fourth day of December, one thousand nine hundred and six, and pursuant to section eight of article eleven of Constitution of the State of California, duly propose to the qualified electors of the said City of Oakland, four certain amendments to the charter of the said city of Oakland, to be submitted to the said qualified electors at a special election to be held in said city on March first, one thousand nine hundred and seven, which said amendments were and are in the words and figures following, to wit:—

That a new subdivision be added to section thirty-one (31) of said charter to be known as subdivision fifty-one (51) thereof, the same to read as follows:

"51. To establish, acquire, construct, purchase, complete, conduct, and manage suitable devices, apparatus, machinery, and property, both real and personal, for collection, removal, and destruction, by incineration or otherwise, or for collection or removal or destruction as aforesaid either within or without the City of Oakland, of garbage and waste matters, created, produced, or accumulated at any place in the City of Oakland, and provide for maintenance thereof.

This amendment to section thirty-one (31) as herein proposed shall be and shall be known and designated as Amendment No. One (1) to the charter of the City of Oakland, County of Alameda, State of California.

That section eighty-eight (88) of said charter be amended to read as follows, to wit:

"Section 88. The act of the legislature of the State of California, entitled "An act to provide for laying out, opening, extending, widening, straightening, or closing up in whole, or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6th, 1889, and such other acts of the legislature as may be thereafter enacted amendatory thereof, or supplemental thereto, are hereby adopted as and declared to be a part of this charter."

This amendment last aforesaid herein proposed, shall be and shall be known and designated as "Amendment No. Two (2) to the charter of the City of Oakland, State of California."

That sections eighty-nine (89), ninety (90) and ninety-one (91) ninety-two (92), ninety-three (93), ninety-four (94), ninety-five (95), ninety-six (96), ninety-seven (97), ninety-eight (98), ninety-nine (99), and one hundred (100) of said charter be, and the same are repealed.

This amendment last aforesaid herein proposed shall be and shall be known and designated as "Amendment No. Three (3) to the charter of the City of Oakland, State of California."

That section number one hundred and forty-seven (147) of said charter be amended to read as follows:

"Section 147. The assessment of property within the City of Oakland, or assessable by the city made by the city assessor of the City of Oakland and the state board of equalization shall be the basis of taxation for the city."

This amendment last aforesaid herein proposed shall be and shall be known and designated as "Amendment Number Four (4) to the charter of the City of Oakland, State of California."

AND WHEREAS, Said proposed amendments were, and each of them was published in a daily newspaper, printed and published in said city, and of general circulation in said city, to wit, the "Oakland Enquirer," for twenty (20) days, and

WHEREAS, Thereafter the said council of the City of Oakland, did, by an ordinance known as Number 2560, which was duly passed and adopted by said council on the eleventh day of February one thousand nine hundred and seven, order the holding of a special election in said City of Oakland, in the County of Alameda, California, on the first day of March, one thousand nine hundred and seven, (which last named day was at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation, in said City of Oakland, to wit, the "Oakland Enquirer"), and did provide in said ordinance for the submission of said proposed amendments to the said charter, to the qualified electors of said city, for their ratification at said special election, which said ordinance was approved by the mayor of said city on the fourteenth day of February, one thousand nine hundred and seven, and was published in said newspaper and for the time required by law; and

WHEREAS, Said amendments were submitted as aforesaid to the qualified electors of said city, at said special election, previously duly called and thereafter held therein (at least forty (40) days after the publication of said proposals for twenty (20) days in a daily newspaper of general circulation in said City of Oakland, to wit, in the "Oakland Enquirer"), on the first day of March, one thousand nine hundred and seven; and

WHEREAS, At such special election more than a majority of the qualified electors voting thereon at such special election, did vote in favor of and in favor of the ratification of and did ratify each one and all of said proposed amendments to said charter, and

WHEREAS, The said council of the City of Oakland, in the County of Alameda, California, at a meeting thereof held on Monday, the fourth day of March, one thousand nine hundred and seven, duly canvassed the returns of said election, and duly found, determined and declared that more than a majority of such qualified electors voting thereon at said election, had voted for and ratified each and all of the said proposed amendments to said charter; and

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the legislature of the State of California, for approval or rejection as a whole.

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA,
CITY OF OAKLAND, } ss.

This is to certify that we, Frank K. Mott, mayor of the City of Oakland, and Frank R. Thompson, clerk of the City of Oakland, have compared the foregoing proposed and ratified amendments to the charter of the City of Oakland with the original ordinance proposing such amendments and submitting the same to the qualified electors of said City of Oakland, at a special election called for that purpose, on Friday, the first day of March, one thousand nine hundred and seven, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter and the matters set forth herein, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Oakland to be attached, this fourth day of March one thousand nine hundred and seven.

FRANK K. MOTT,
Mayor of the City of Oakland.

[SEAL.]

FRANK R. THOMPSON,
City Clerk of the City of Oakland.

Now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), that the said amendments to the said charter of said City of Oakland, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said City of Oakland, be, and the same are hereby approved as a whole for, and as amendments to the said charter of said City of Oakland.

Senate Concurrent Resolution read.

The roll was called, and Senate Concurrent Resolution No. 19 adopted by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Boyle, Butler, Campbell, Case, Chandler, Collister, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—50.
NOES—None.

Senate Concurrent Resolution No. 19 ordered transmitted to the Senate.

Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 628 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Collister, Costar, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Wilson, and Mr. Speaker—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 784—An Act to amend the Civil Code by adding a new title thereto to be numbered Title X, in Part IV, of Division Second, consisting of Sections 1426, 1426*a*, 1426*b*, 1426*c*, 1426*d*, 1426*e*, 1426*f*, 1426*g*, 1426*h*, 1426*i*, 1426*j*, 1426*k*, 1426*l*, 1426*m*, 1426*n*, 1426*o*,

1426*p*, 1426*q*, and 1426*r*, providing for the manner of locating lode and placer mining claims, tunnel rights, mill sites, and prescribing the character and amount of assessment work on mining claims, and providing for proofs of such work, and for the recordation of location notices, and proof of labor, and for the enforcement of contributions from delinquent co-owners of mining claims and prescribing the duties of county recorders, respecting the recording of location notices of, and proofs of labor on, mining claims, tunnel rights, and mill sites, and the fees to be charged therefor, and repealing an Act entitled "An Act entitled an Act relating to the working, rights of way, easement and drainage of mines within the State of California," approved March 11, 1891.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 784 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Butler, Chandler, Collister, Cornish, Costar, Cullen, Davis, Devlin, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Higgins Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—Messrs. Berry and Case—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 199—An Act to repeal Section 644 of the Penal Code, relating to enticing seamen to desert.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 199 finally passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Boyle, Campbell, Coghlan, Cornish, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, McGuire, McKeon, McMullin, O'Brien, Percival, Pyle, Root, Sackett, Smith, Snyder, Strohl, Strobridge, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Chandler, Cogswell, Cutten, Estudillo, Leeds, Lynch, McClellan, McConnell, Spaulding, Stanton, and Thompson of Los Angeles—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 200—An Act to repeal Section 645 of the Penal Code, relating to harboring deserting seamen.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 200 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Boyle, Butler, Campbell, Collister, Cornish, Cullen, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Smith, Snyder, Strohl, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Messrs. Case, Chandler, Cogswell, Cutten, Leeds, Lynch, McClellan, McConnell, Spaulding, Stanton, and Thompson of Los Angeles—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale of any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

Bill read third time, and passed on file for further consideration.

Senate Bill No. 461—An Act to provide for the issuance and sale of State bonds, to create a fund for the construction by the Board of State Harbor Commissioners of wharves, piers, seawall, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and providing for the submission of this Act to a vote of the people.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 461 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego. Jury, Kelly, Kohlman, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, Percival, Pierce, Smith, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 114 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Davis, Devlin, Drew, Estudillo, Fisher Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, O'Brien, Pierce, Pyle, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 281—An Act making an appropriation of three thousand five hundred dollars to be used by the Board of Trustees of the Whittier State School, Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 281 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, O'Brien, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson,

Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Wilson, Whitmore, Wyatt, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 662 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Wyatt, and Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 390—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district, defining the powers, duties and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of $25,000 to carry out the purposes of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 390 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Davis, Devlin, Drew, Estudillo, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, O'Brien, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.
NOES—Mr. Campbell—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 65—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipment and furnishings, at the Southern California State Hospital, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 65 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Fisher, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, O'Brien, Percival, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 693—An Act to amend Section 2165*a* of the Political Code of the State of California, relating to actions and suits on accounts of acts and commissions in the discharge of official duty.

During third reading of the bill, Mr. Stetson moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add after the enacting clause: "SECTION 1. Section 2165*a* of the Political Code of the State of California is hereby amended to read as follows:"

Motion carried.

The Speaker appointed Mr. Stetson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 693, with instructions, do now report that the instructions of the Assembly have been carried out.

STETSON, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 752—An Act to provide for the licensing of architects and for the regulation of the practice of architecture as a profession.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 752 refused passage by the following vote:

AYES—Messrs. Butler, Johnson of Sacramento, Leeds, and Lynch—4.

NOES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Higgins, John, Jury, Kelly, Kohlman, Lemon, Ludington, McClellan, McConnell, McKeon, O'Brien, Percival, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

By Mr. Transue: Assembly Bill No. 1037—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers."

By Mr. McConnell: Assembly Bill No. 1036—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let by contract.

STANTON, Chairman.

The question being put, "Shall the members named by the Committee on Introduction of Bills, in conformity with committee's recommendation, be permitted to introduce the same?"

The roll was called, and permission to introduce bills granted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, McGuire, McMullin, O'Brien, Percival, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Weske, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Mr. McConnell: Assembly Bill No. 1036—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let by contract.

Bill read first time, and placed on special urgency file, without reference.

By Mr. Transue: Assembly Bill No. 1037—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereto, and repealing Section 580 of the Civil Code.

Bill read first time, and placed on special file, without reference.

WITHDRAWAL OF BILL.

Mr. Johnson asked for and was granted unanimous consent to withdraw Assembly Bill No. 899—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto—it being identical with Senate Bill No. 725, now in this House.

Assembly Bill No. 899 withdrawn and ordered stricken from the file.

SECOND READING OF SENATE BILL.

Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 843 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Cullen, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McGuire, McKeon, O'Brien, Otis, Pierce, Root, Snyder, Spaulding, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—49.

NOES—Messrs. Birdsall, Chandler, Collister, Costar, Cutten, Davis, Lucas, McConnell, Percival, Pyle, Sackett, Smith, Stetson, Strobridge, Thompson of Los Angeles, Weske, and Wyatt—17.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 333 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Collister, Cornish, Cullen, Cutten, Davis, Drew, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—56.

NOES—Mr. Wyatt—1.

Title read and approved.

Bill ordered transmitted to the Senate.

At four o'clock and forty-five minutes P. M., Speaker pro tem. Transue in the chair.

Assembly Bill No. 868—An Act to amend Section 1578 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 868 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56

NOES—Messrs. Cogswell, Costar, Held, and Hewitt—4.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of five o'clock P. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

At five o'clock P. M., Speaker Beardslee in the chair.

Senate Committee Substitute for Senate Bills Nos. 21 and 394—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

Amend between lines 12 and 13, Section 1 of the printed bill, by striking out the words "of six inches."

Amendment adopted.

AMENDMENT No. 2.

Amend in line 29, Section 1, page 2 of the printed bill, by striking out the word "fraudulently."

Amendment adopted.

AMENDMENT No. 3.

Amend in line 29, Section 1, page 2 of the printed bill, by inserting after the word "misrepresented" as follows: "or concealed, with intent to defraud."

Amendment adopted.

AMENDMENT No. 4.

Amend in line 72, Section 1, page 3 of the printed bill, by striking out the words "also examine," and insert in lieu thereof "make examinations of."

Amendment adopted.

AMENDMENT No. 5.

Amend between lines 154 and 155, Section 1, page 5 of the printed bill, by striking out the words "of one inch."

Amendment adopted.

AMENDMENT No. 6.

Amend in line 6, Section 4, page 6 of the printed bill, by inserting after the word "insured" as follows: "and if the loss is to be made payable to any person or corporation other than the insured the fact of such intended payment and the name of such payee and any other matters necessary to clearly express all the facts and conditions of insurance on any particular risk not inconsistent with any of the conditions of the foregoing policy."

Amendment adopted.

AMENDMENT No. 7.

Amend in line 13, Section 4, page 6 of the printed bill, by striking out the period at the end thereof and adding as follows: ", also any provisions which it is required by law to insert in its policies."

Amendment adopted.

AMENDMENT No. 8.

Strike out all of Section 5, page 6 of the printed bill, and insert as follows:

"Section 5. No rider or riders may be attached to any policy and no contract may be made between the insured and the insurer under and by virtue of which the liability of the insurer shall be diminished, suspended or avoided, except the same shall be printed in red ink and attached thereto, and the printing thereon shall be in type larger than that used for printing the other conditions of the policy; and in case of any such addition or additions being made, there shall be printed in red ink and in large bold-faced type at the head of the policy whereon such riders are attached the words 'This policy contains provisions not found in the California standard form.' Any rider restricting, reducing or limiting the liability of the insurer shall be accepted and signed by the insured or his authorized agent before the same shall take effect."

Mr. Leeds moved to amend amendment No. 8 by striking out the following:

"Any rider restricting, reducing or limiting the liability of the insurer shall be accepted and signed by the insured, or his authorized agent, before the same shall take effect."

Motion lost.

The question being upon the adoption of committee amendment No. 8.

A vote was taken and amendment adopted.

The following amendment was submitted by Mr. Drew:

Amend by striking out the words "of six inches" in Section 1, between lines 4 and 5.

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

RECESS.

At six o'clock P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

BILLS RECALLED FROM COMMITTEE.

On motion of Mr. Baxter, Assembly Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making appropriation therefor—was recalled from the Committee on Ways and Means, and placed on second-reading file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold Farmers' Institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Assembly Bill No. 762—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Also: Assembly Bill No. 793—An Act creating a contingent fund for the use of the State Prison at San Quentin and making an appropriation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned,

and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Also: Assembly Bill No. 940—An Act to encourage enlistment of Californians in the regular army, navy, and marine corps, of the United States, and appropriating the sum of $5,000 therefor.

Also: Senate Bill No. 341—An Act providing for an appropriation of $8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about Sutter's Fort.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake in the Sierra Nevada Mountains, and making an appropriation therefor.

Also: Assembly Bill No. 763—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

Also: Assembly Bill No. 880—An Act making an appropriation to repay to Thomas Bair moneys paid by him into the county treasury of Humboldt County for lands purchased by him under location 1223.

Also: Senate Bill No. 73—An Act making an appropriation to pay the claim of Chas. J. Morf against the State of California.

Also: Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one ($1,621) dollars to repay the Regents of the University of California for moneys appropriated by them to rebuild the barn of the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 600—An Act appropriating money to carry on the work provided for in an Act entitled "An Act authorizing the Governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the Senate and Assembly of the thirty-sixth session of the Legislature of the State of California, of which commission the Governor shall be ex officio a member and chairman, to investigate the system of revenue and taxation in force in this State, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to define its powers, and making an appropriation therefor," approved March 20, 1905.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

THIRD READING OF BILL.

Assembly Bill No. 949—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 949 was refused passage by the following vote:

AYES—Messrs. Baxter, Collister, Cornish, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Root, Sackett, Strobridge, Walsh, Weske, and Mr. Speaker—13.

NOES—Messrs. Barry, Beban, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Cullen, Estudillo, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Kelly, Lynch, McClellan, McConnell, McMullin, Otis, Percival, Pierce, Pyle, Smith, Snyder, Spaulding, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Wyatt—41.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

On motion of Mr. Estudillo, Senate amendments to Assembly Bill No. 975 were segregated.

The question was then put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 975?"

SENATE AMENDMENTS.

On page 3, line 53*a*, strike out the word "sixteen," and insert in lieu thereof the word "twenty-five."

Also: On page 3, lines 71 and 72, strike out the words "twenty-four hundred," and insert in lieu thereof the words "three thousand."

Also: On page 4, line 91, after the word "thousand," and before the word "dollars," insert the words "two hundred and fifty."

Also: On page 4, lines 113 and 114, strike out the words "one thousand seven," and insert in lieu thereof the words "two thousand two."

Also: On page 7, line 229, after the word "thousand," insert the words "four hundred."

Also: On page 9, line 283, insert after the word "thousand," the words "six hundred."

Also: On page 9, line 297, after the word "thousand," insert the words "six hundred."

Also: After line 297, on page 9, insert the following: "For care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General, five thousand dollars."

Also: On page 10, line 316, strike out the words "five thousand," and insert in lieu thereof the words "two thousand five hundred."

Also: On page 11, line 338, after the word "thousand," insert the words "two hundred."

Also: On page 11, line 357, strike out the word "two," and insert in lieu thereof the word "three."

Also: On page 5, line 136, strike out the second word "four," and insert in lieu thereof the word "five."

Also: On page 5, line 143, strike out the word "six," and insert in lieu thereof the word "eight."

Also: On page 5, line 146, strike out the word "ten," and insert in lieu thereof the word "twelve," and after the word "dollars" insert the words "exempt from Section 4 of this Act."

Also: On page 5, lines 150 and 151, strike out the words "one thousand two hundred," and insert in lieu thereof the words "two thousand"

Also: On page 6, line 172, strike out the word "twenty," and insert in lieu thereof the word "twenty-five."

Also: On page 6, lines 194 and 195 strike out the words "one thousand five hundred," and insert in lieu thereof the words "two thousand."

Also: On page 7, line 215, strike out the words "one thousand," and insert in lieu thereof the words "fourteen hundred."

Also: On page 8, insert after line 256 the following: "For indexing and compiling maps and records of State Tide Lands Commission, four thousand dollars."

Also: On page 11, line 361, strike out the word "six," and insert in lieu thereof the word "eight."

Also: On page 11, lines 362 and 363, strike out the words "three thousand six hundred," and insert in lieu thereof the words "five thousand four hundred."

Also: On page 11, strike out all of lines 364, 365, 366, 367, and 368.

Also: On page 12, line 395, strike out the words "eight hundred and fifty," and insert in lieu thereof the words "one thousand."

Also: On page 12, line 401, after the word "thousand," insert the words "five hundred."

Also: On page 13, line 411, after the word "thousand," insert the words "five hundred."

Also: On page 13, strike out from lines 415 to 434, both inclusive, and insert in lieu thereof the following:

"FOR DEPARTMENT OF ENGINEERING.

"For salary of the State Engineer, Department of Engineering, nine thousand six hundred dollars.

"For salary of the State Architect, Department of Engineering, eight thousand dollars.

"For salary of the two Assistant State Engineers, Department of Engineering, twelve thousand dollars.

"For salary of the three draughtsmen, Department of Engineering, twelve thousand dollars.

"For salary of the secretary and stenographer, Department of Engineering, three thousand six hundred dollars.

"For salary of the porter, Department of Engineering, nine hundred and sixty dollars.

"For contingent and traveling expenses, Department of Engineering, ten thousand dollars.

"For improvements and maintenance of Mono Lake Basin road, two thousand five hundred dollars.

"For improvement and maintenance of Sonoma and Mono road, twelve thousand dollars.

"For improvement and maintenance of Lake Tahoe wagon road, ten thousand dollars.

"For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office for the Department of Engineering, one thousand five hundred dollars."

Also: On page 14, strike out from lines 442 to 453, both inclusive.

Also: On page 14, line 456, strike out the word "eighty-seven," and insert in lieu thereof the word "eighty."

Also: On page 14, on lines 459 and 460, strike out the words "two hundred and seventy-one thousand four hundred and forty," and insert in lieu thereof the words "two hundred and sixty-four thousand nine hundred and forty."

Also: On page 14, line 464, strike out the words "forty-five thousand," and insert in lieu thereof the words "thirty-nine thousand four hundred."

Also: On page 14, line 468, strike out the words "forty (four) thousand," and insert in lieu thereof the words "thirty-eight thousand three hundred."

Also: On page 14, lines 472 and 473, strike out the words "two hundred and four thousand two hundred and fifty," and insert in lieu thereof the words "one hundred and ninety-eight thousand and fifty."

Also: On page 15, line 477, strike out the words "five thousand," and insert in lieu thereof the words "two thousand four hundred."

Also: On page 15, after line 480, insert the following: "For salaries and contingent expenses of State Lunacy Commission, thirty-three thousand six hundred dollars."

Also: On page 15, line 504, after the word "thousand," insert the words "five hundred."

Also: On page 16, line 511, after the word "thousand," insert the words "five hundred."

Also: On page 16, line 518, strike out the word "sixty-five," and insert in lieu thereof the word "seventy-three."

Also: On page 16, line 520, after the word "sixty," insert the word "five."

Also: On page 16, line 535, strike out the word "thirty-five," and insert in lieu thereof the word "forty."

Also: On page 17, line 554, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 17, line 564, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 17, line 573, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 18, line 583, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 18, line 591, strike out the words "seven hundred and fifty," and insert in lieu thereof the words "nine hundred."

Also: On page 19, line 612, strike out the second word "seven," and insert in lieu thereof the word "nine."

Also: On page 19, line 616, strike out the words "twenty-five hundred," and insert in lieu thereof the words "three thousand."

Also: On page 20, line 647, strike out the word "thirty," and insert in lieu thereof the word "fifty."

Also: On page 20, after line 654, insert the following: "For traveling expenses of the Board of Directors of the State Agricultural Society, one thousand five hundred dollars."

Also: On page 20, line 657, strike out the word "five," and insert in lieu thereof the word "six."

Also: On page 22, line 7, strike out the words "board of."

Also: Amend by inserting in Section 1, page 13 of the printed bill, as amended in the Senate, between the lines 397 and 398 of said page, the following:

"FOR COMMISSIONER FOR REVISION AND REFORM OF THE LAW.

"For salary of Commissioner for Revision and Reform of the Law, seven thousand two hundred dollars.

"For salary of stenographer to Commissioner for Revision and Reform of the Law, two thousand four hundred dollars.

"For postage, expressage, telegraphing, stationery and contingent expenses, office of Commissioner for Revision and Reform of the Law, three hundred and seventy-five dollars.

"For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office, except the printing of the index of the laws from 1850 to 1907, inclusive, one thousand two hundred and fifty dollars.

"For printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office (or any outside printing house to which authority may be given under the provisions of any Act making provision therefor) in the printing of the index of the laws from 1850 to 1907, inclusive, for the Commissioner for the Revision and Reform of the Law, five thousand dollars."

Also: Strike out in Section 1, page 6, line 165, the words "fifty-four thousand one" and insert in lieu thereof the following: "fifty-five thousand two."

The roll was called, and above Senate amendments to Assembly Bill No. 975 were concurred in by the following vote:

AYES—Messrs. Barry, Beban, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Estudillo, Forbes, Fratessa, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lynch, McClellan, McKeon, O'Brien, Otis, Percival, Pierce,

Pyle, Root, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Mr. Estudillo moved that the Assembly refuse to concur in the following Senate amendments to Assembly Bill No. 975:

On page 3, line 60 of printed bill, strike out the word "thirty-five," and insert in lieu thereof the word "fifty."

Also: On page 4, after line 108, insert the following: "For salary of expert to Board of Examiners, four thousand eight hundred dollars."

Also: On page 4, after line 117, insert the following: "For purchase from the Federal Government of photo lithographs, copies of topographical sheets gotten out under State and Government coöperation, to be sold at cost by the State, four thousand dollars."

Also: On page 9, line 286, strike out the word "twelve," and insert in lieu thereof the word "fifteen."

Also: On page 10, line 325, strike out the word "four," and insert in lieu thereof the word "six."

Also: On page 11, lines 340 and 341, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Also: On page 5, after line 162, insert the following: "For repairs to Capitol building and furniture, exempt from Section 4 of this Act, five thousand dollars."

"For purchase of carpets and furniture, exempt from Section 4 of this Act, twelve thousand dollars."

Also: On page 6, line 179, strike out the word "five," and insert in lieu thereof the word "twelve."

Also: On page 13, line 438, strike out the word "thirty-five," and insert in lieu thereof the word "forty."

Also: On page 13, line 441, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Also: On page 15, line 501, strike out the words "seven thousand nine hundred and twenty," and insert in lieu thereof the words "ten thousand eight hundred."

Also: On page 17, line 544*b*, strike out the word "six," and insert in lieu thereof the word "twelve."

Also: On page 19, line 633, strike out the words "twenty-five," and insert in lieu thereof the word "forty."

Also: On page 19, line 637, strike out the word "one," and insert in lieu thereof the word "two."

Also: On page 21, insert after line 680 the following: "For support of the State Bureau of Criminal Identification, six thousand dollars."

The roll was called, and the motion to refuse to concur was carried by the following vote:

AYES—Messrs. Beban, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cutten, Devlin, Estudillo, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lynch, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

SENATE MESSAGE.

On motion of Mr. Devlin, the following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 19—Relative to adjournment *sine die*.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Concurrent Resolution No. 19 ordered to enrollment.

NOTICE OF MOTION TO RECONSIDER.

Mr. Devlin gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 843 was this day passed.

RESOLUTION—(OUT OF ORDER).

The following resolution was submitted (unanimous consent having been obtained for its reception):

By Mr. Estudillo:

WHEREAS, The Senate has amended Assembly Bill No. 975; and

WHEREAS, The Assembly has concurred in certain of said amendments, but has refused to concur in Senate Amendments Nos. 3, 6, 9, 11, 16, 18, 22, 26, 28, 38, 39, 48, 54, 62, and 63 to said Assembly Bill No. 975; therefore, be it

Resolved, That the Senate be requested to recede from said amendments, and in the event that the Senate refuse to recede, that a committee on conference be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly.

Resolution read and adopted.

Whereupon the Speaker announced the appointment of Messrs. Estudillo, Held, and McClellan as a Committee on Conference to meet with a like committee to be appointed by the Senate for the consideration of Assembly Bill No. 975.

Assembly Bill No. 620—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising to procure abortions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 620 passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Bishop, Boyle, Butler, Case, Cogswell, Collister, Cornish, Costar, Cutten, Devlin, Estudillo, Forbes, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 499 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Bishop, Boyle, Butler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Devlin, Forbes, Fratessa, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—48.

NOES—Messrs. Campbell and Chandler—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 983—An Act affecting the duties of county auditors throughout the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 983 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Forbes, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. Held asked for and was granted unanimous consent to withdraw Assembly Bill No. 689—An Act to repeal an Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Bill withdrawn, and ordered stricken from the file.

Mr. Strobridge asked for and was granted unanimous consent to withdraw Assembly Bill No. 1027—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905—it being identical with Senate Bill No. 929, now in this House.

Assembly Bill No. 1027 withdrawn, and ordered stricken from the file.

THIRD READING OF BILL.

Senate Bill No. 929—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 929 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Fratessa, Hartmann, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Weske, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION—(OUT OF ORDER).

The following resolution was submitted (unanimous consent having been obtained for its reception):

By Mr. Kelly:

Resolved, That Senate Bill No. 603, heretofore referred to the Committee on Public Morals of the Assembly, be and the same is hereby withdrawn from said committee, and placed upon the special file of Senate bills, second reading.

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Bishop, Boyle, Butler, Campbell, Chandler, Cogswell, Coghlan, Costar, Cullen, Devlin, Estudillo, Forbes, Fratessa, Held, Hewitt, John, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lynch, McClellan, O'Brien, Percival, Pierce, Pyle, Smith, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Wilson, Wyatt, and Mr. Speaker—41.

NOES—Messrs. Baxter, Beckett, Berry, Case, Collister, Cornish, Cutten, Hartmann, Johnson of Sacramento, McConnell, McKeon, Root, Sackett, Thompson of San Francisco, Walsh, and Weske—16.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 698—An Act to add a new section to the Penal Code of the State of California, to be known as Section 401*b*, relating to exits in buildings used for public assemblages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 698 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Devlin, Estudillo, Fratessa, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lynch, McClellan, McConnell, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 1026—An Act providing for the indexing and preservation of certain books, maps, papers, and documents in the office of the Surveyor-General, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1026 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin,

Estudillo, Forbes, Fratessa, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 756 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 756, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 820—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 990—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 835—An Act providing that credits allowed prisoners in the State prisons and serving more than one sentence be computed and allowed on all the terms of sentence as on one continuous term sentence.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 943—An Act to amend Section 1880 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to persons who can not testify upon claims against estates of deceased persons.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 530—An Act to amend the Political Code of the State of California by adding eight new sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, and 340*a*, under a new article, to be numbered thirteen (13), to be added to chapter two (2), title one (1), part three (3), of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 434—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered Section 317½, prohibiting the publication of certain advertisements.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 997—An Act to empower the boards of supervisors, boards of trustees, common councils, or other governing or legislative bodies of counties, cities and counties, cities and towns, to permit the holders of street railroad and interurban railway franchises therein to operate freight cars and to transport freight, and to provide for a compensation for such permission.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1030—An Act to increase the number of judges of the Superior Court of the County of Alameda.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 739—An Act to appropriate the sum of $2,536.76 to pay the claim of the Ætna Life Insurance Company of Hartford, Connecticut, against the State of California.

Bill read second time.

Assembly Bill No. 740—An Act to appropriate the sum of $889.95 to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.

Bill read second time.

Assembly Bill No. 741—An Act to appropriate the sum of $1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Bill read second time.

Assembly Bill No. 742—An Act to appropriate the sum of $11.31 to pay the claim of the Life Association of America against the State of California.

Bill read second time.

Assembly Bill No. 743—An Act to appropriate the sum of $349.60 to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 739, 740, 741, 742, and 743.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 739, 740, 741, 742, and 743 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 739, 740, 741, 742, and 743, and do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered to engrossment.

Assembly Bill No. 744—An Act to appropriate the sum of $222.85 to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Bill read second time.

Assembly Bill No. 745—An Act to appropriate the sum of $3,462.11 to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Bill read second time.

Assembly Bill No. 746—An Act to appropriate the sum of $1,531.91 to pay the claim of the Prudential Insurance Company of America against the State of California.

Bill read second time.

Assembly Bill No. 747—An Act to appropriate the sum of $60.51 to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 744, 745, 746, and 747.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 744, 745, 746, and 747 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 744, 745, 746, and 747, and do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered to engrossment.

Senate Bill No. 787—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 964—An Act to amend Section 4 of an Act entitled "An Act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 1035—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to officers of a township.

During second reading of bill, the following amendment was submitted by the committee:

Amend Section 1, line 11, of printed bill by inserting after the word "thousand," the following: "And less than three hundred thousand."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Senate Bill No. 237—An Act to amend Section 1200 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the rights of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same.

Bill referred to Committee on Judiciary.

Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees, and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the word "three," in line 9, Section 1, page 1 of the printed bill, and insert in lieu thereof the word "two."

Amendment adopted.

AMENDMENT No. 2.

Strike out the words "a majority," in line 10, Section 1, page 1 of the printed bill, and insert in lieu thereof the words: "any one."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 95—An Act to appropriate the sum of fifty thousand ($50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the Board of Directors thereof, and providing for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read second time.

Senate Bill No. 292—An Act making an appropriation of five thousand ($5,000) dollars for the purpose of completing the photographic laboratory in combination with the fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Bill read second time.

Senate Bill No. 453—An Act making an appropriation for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court, under Section 47 of the Code of Civil Procedure.

Bill read second time.

Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

Bill read second time.

Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and all other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Bill read second time.

Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 95, 292, 453, 627, 706, and 567.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 95, 292, 453, 627, 706, and 567 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 95, 292, 453, 627, 706, and 567, and do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to fees and the salaries of county and township officers in counties of the fifth class—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

THOMPSON of Los Angeles, Chairman.

Senate Bill No. 785 was ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 925—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter II*a*, relating to the support and maintenance of orphans, half orphans and abandoned children.

Also: Senate Bill No. 927—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IV*b*, relating to the promotion of the horticultural interests of the State by providing for county boards of horticulture.

Also: Senate Bill No. 926—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter IV*a*, relating to the State Commission of Horticulture, prescribing the powers, duties, and compensation of the State Commissioner of Horticulture, and providing methods, means, and penalties for the enforcement of such powers and duties.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

WYATT, Chairman.

The above reported bills ordered on file for second reading.

SECOND READING OF SENATE BILLS.

Senate Bill No. 925—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter II*a*, relating to the support and maintenance of orphans, half orphans, and abandoned children.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, pages 4 and 5, the whole of lines 1 to 18 inclusive, being the whole of Section 2290 of the body of the bill, and inserting in lieu thereof the following:

2290. The provisions herein made for the support of orphans, half orphans, and abandoned children, shall be held to include foundlings, and other dependent illegitimate infants who may have been or shall become dependent upon any regularly established foundling asylum, without regard to the time in which such infants have been dependent upon such institutions; and the relief herein provided shall be given for any fraction of a year, pro rata; *provided, also*, that the limitation of twenty inmates, mentioned in section twenty-two hundred and eighty-nine, shall, in relation to said foundling asylum, be construed to mean not less than twenty admissions in the course of each year; *and, provided further*, that for each abandoned or dependent illegitimate infant who now is or shall become dependent upon such foundling asylum, there shall be paid by the State the sum of twelve dollars and fifty cents per month from the time it becomes dependent upon such institution until such infant's decease, or until it become adopted, or reach the age of eighteen months, after which age such asylum shall receive the same sum for such infants as allowed for full orphans."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 927—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IV*b*, relating to the promotion of the horticultural interests of the State, by providing for county boards of horticulture.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1, page 2, lines 8 and 9 of Section 2322 of the body of the bill, the word "salooli-kali," and inserting in lieu thereof the following: "Salsolikali."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, page 2, line 11, of Section 2322 of the body of the bill, the word "commissioner," and inserting in lieu thereof the following: "commission."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in Section 1, page 4, of the printed bill, in Section 2322*a*, line 64, after the word "vested," the following: "with."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 926—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter IV*a*, relating to the State Commission of Horticulture, prescribing the powers, duties, and compensation of the State Commissioner of Horticulture, and providing methods, means, and penalties for the enforcement of such powers and duties.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1, page 1, in the chapter heading, the word "clerk," and inserting in lieu thereof the following: "secretary."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in Section 1, page 3, Section 2319, line 39, after the word "dollars" the following: "for."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 1, page 6, in Section 2319*d*, line 20, the words "no danger to the" and inserting in lieu thereof, the following: "any danger to the interests."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of Section 1, page 7, in Section 2319*f*, line 12, the following: "after the passage of this Act."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of Section 1, page 8, in Section 2319*j*, line 5, the word "clerk," and inserting in lieu thereof the following: "secretary."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out of Section 1, page 6 of the printed bill, in Section 2319*e*, lines 11 and 12, the words "to most effectively and speedily accomplish the purposes of this Act," and inserting in lieu thereof the following: "most effectively and speedily to accomplish the purposes of this chapter."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 341—An Act providing for an appropriation of $8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about Sutter's Fort.

Bill read second time.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 341 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report the same back without recommendation.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 341, and do now report the same back, without recommendation.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "raveled," on line 204, seventh page, printed bill and inserting in lieu thereof the following: "traveled."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting on page 7, after line 234 of the printed bill, the following:
"20. In counties of this class there may be a county analyst, to be appointed by the board of supervisors, who shall receive a salary of not less than fifty dollars per month, to be paid at the same time and in the same manner as other county officers are paid. He shall furnish his own laboratory. He shall perform such services as may be required by the district attorney, coroner, or by ordinances of the board of supervisors. He shall have been a resident of the county for at least two years, and shall be a graduate of a recognized university or technical school, and shall have had at least three years experience in forensic and analytical chemistry."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

On motion of Mr. Leeds, the further consideration of Senate Bill No. 785 was made a special order for two o'clock P. M. of Thursday, March 7, 1907.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. O'Brien, Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895—was recalled from the Committee on Fish and Game and placed on file.

Senate Bill No. 839 read second time, and ordered on file for third reading.

Senate Bill No. 880—An Act making an appropriation of twenty thousand dollars ($20,000), to be expended by the Board of Capitol Commissioners for making alteration, repairs, improvements, and for otherwise completing and embellishing the State Capitol, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act authorizing and directing the Board of Capitol Commissioners to remodel and repair the State Capitol building, making the same fireproof, rendering all space therein available, and making an appropriation therefor," approved March 18, 1905, and exempting such appropriation from the provisions of an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and all Acts amendatory thereof.

Bill read second time.

Mr. Cutten moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 880 considered.

Mr. Cutten moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 880, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. Leeds, Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State—was recalled from the Committee on Municipal Corporations, and placed on file.

SECOND READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Mr. Johnson of Sacramento moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 498 considered.

Mr. Johnson of Sacramento moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

GENTLEMEN: Your Committee of the Whole have had under consideration Senate Bill No. 498, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 134 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 134, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations.

Bill re-referred to Committee on Ways and Means.

Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953*a*, 953*b*, and 953*c*, relating to a new and alternative method for the preparation of records to be used on appeals, judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 896—An Act to add three new sections to the Code of Civil Procedure, to be known as sections numbers 941*a*, 941*b*, and 941*c*, of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders, or decrees of the Superior Court of the State of California, to the Supreme Court or District Courts of Appeal thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 928—An Act to add an article to Chapter II of Title IV of Part III of the Political Code, to be known as Article X, relating to the Department of Highways, defining its duties and powers and

providing for the appointment and compensation of the officers and employés thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 322—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 582 thereof, as approved March 11, 1872, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 327—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 326—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 815—An Act amendatory of and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867,' approved March 30, 1868," approved March 12, 1885.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 861—An Act to amend the Civil Code by adding thereto a new section, to be numbered 290*a*, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depositary, or trustee.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 922—An Act to repeal Article XIV of Chapter III of Title I of Part III of the Political Code, relating to sealers of weights and measures.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 913—An Act to amend Section 1386 of the Civil Code, relating to succession of the property of deceased persons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the whole of Sections 1 and 4 of the bill, and renumbering the remaining sections accordingly.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of the title, in lines 3 and 4, the words "seven hundred and fifty-seven."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of the title, page 1, in line 2, the words "seven hundred and fifty-two."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

THIRD READING OF ASSEMBLY BILL.

Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains.

During third reading of bill, Mr. Johnson of Sacramento moved that the bill be referred to a select committee of one, to amend the bill as follows:

Insert the word and figure "Section 1" after the enacting clause, on line 1, printed bill; also, add to Section 1 the following: "*provided*, that this Act shall only apply to railroads operated by steam."

Motion carried.

Mr. Johnson of Sacramento was appointed such committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 447, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and reëngrossment.

MESSAGES FROM THE SENATE.

On motion of Mr. Transue, Senate messages were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 825—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 21, 1891.

Also: Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by co-owner or co-partner.

Also: Committee Substitute for Senate Bill No. 801—An Act to provide for the improvement, protection and management of wharves, docks, piers and certain of the water front lands and premises at the City of Oakland and for the possession and control thereof, defining the limits thereof, creating a Board of State Harbor Commissioners therefor, providing for the manner and time of their and their successors' appointment,

defining their powers, jurisdiction, duties and qualifications, fixing their terms, salaries and bonds, providing for the filling of vacancies in said board, for the appointment, salaries and removal of officers and employés thereof, for the collection, deposit and disbursement of the revenues and funds arising from the carrying into effect of this Act, creating the Oakland Harbor Improvement Fund, appropriating public moneys to carry this Act into effect, defining the duties of certain State officers with reference to said board, said lands and premises, said revenues and fund, declaring and defining a misdemeanor for, and providing for the punishment as a misdemeanor of any person upon conviction of, the violation of the lawful rules or regulations of said board, and giving jurisdiction to any police court of the City of Oakland in cases of such misdemeanor.

Also: Senate Bill No. 933—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from such land for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipalities and its inhabitants with water.

Also: Committee Substitute for Senate Bill No 793—An Act to authorize the settlement of an existing controversy between the United States of America and the State of California, and making an appropriation.

Also: Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Also: Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Also: Committee Substitute for Senate Bill No. 293—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, to be expended by and under the direction of said board, for the purpose of purchasing and operating necessary dredges and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Also: Committee Substitute for Senate Bill No. 632—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations.

Also: Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888*a*, relating to the levy of taxes for the payment of school district bonds.

Also: Senate Bill No. 660—An Act to amend Sections 3804 and 3805*a* of the Political Code, relating to the refunding of taxes and the cancellation of certificate of tax sales.

Also: Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the Board of Supervisors.

Also: Senate Bill No. 575—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Also: Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Also: Senate Bill No. 108—An Act to provide for the purchasing of a site and building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the City of Los Angeles and the City and County of San Francisco, and to make appropriation for the same.

Also: Senate Bill No. 572—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Also: Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the Superior Court.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 825 read first time, and placed on file without reference.

Senate Bill No. 867 read first time, and referred to Committee on Judiciary.

Committee Substitute for Senate Bill No. 801 read first time, and referred to Committee on Commerce and Navigation.

Committee Substitute for Senate Bill No. 793 read first time, and referred to Committee on Judiciary.

Senate Bill No. 884 read first time, and referred to Committee on Agriculture.

Senate Bill No. 624 read first time, and referred to Committee on Mines and Mining.

Committee Substitute for Senate Bill No. 293 read first time, and referred to Committee on Ways and Means.

Committee Substitute for Senate Bill No. 632 read first time, and referred to Committee on Judiciary.

Senate Bill No. 103 read first time, and referred to Committee on Education.

Senate Bill No. 660 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 639 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 575 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 872 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 117 read first time, and referred to Committee on Judiciary.

Senate Bill No. 108 read first time, and referred to Committee on Military Affairs.

Senate Bill No. 572 read first time, and referred to Committee on Corporations.

Senate Bill No. 875 read first time, and referred to Committee on Judiciary.

Senate Bill No. 933 read first time, and referred to Committee on Judiciary.

Senate Bill No. 651 read first time, and referred to Committee on Commerce and Navigation.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522*a* thereof, relating to certification of the monthly statement by the secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 862 ordered on file for second reading.

LEAVE OF ABSENCE.

On motion of Mr. Drew, Mr. Chandler was granted a leave of absence until the evening session of Thursday, March 7, 1907.

ADJOURNMENT.

At eleven o'clock and thirty minutes P. M., on motion of Mr. Weske, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Thursday, March 7, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Thursday, March 7, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—75.

Quorum present.

LEAVE OF ABSENCE.

On motion, Mr. Eshleman was granted leave of absence for the day.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Wilson, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon—report the same back, and recommend that it do pass.

Also: Senate Bill No. 459—An Act to amend Section 200 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the exemptions from jury duty—report the same back, and recommend that it do pass.

Also: Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered—report the same back, and recommend that it do not pass.

Also: Senate Bill No. 793—An Act to authorize the United States of America to sue the State of California—report the same back with one amendment, and recommend that it do pass.

Also: Assembly Bill No. 685—An Act to amend Section 132 of the Civil Code, Title I, of Part I, Chapter II, relating to actions for divorce—report the same back, and recommend its passage.

Also: Assembly Bill No. 546—An Act to amend Section 1049 of the Penal Code of the State of California, relating to the time that a defendant in a criminal action shall have to prepare for trial—report the same back, with recommendation that it do pass.

Also: Assembly Bill No. 824—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of the State—report the same back, without recommendation.

Also: Senate Bill No. 557—An Act entitled "An Act to regulate the recordation of the subscriptions to the capital stock of the water users' association"—report the same back, and recommend its passage.

Also: Assembly Bill No. 905—An Act to amend Section 4242 of the Political Code, relating to the indorsement and delivery of instruments, papers, and notices by county recorders—report the same back, with recommendation that it do pass.

Also: Assembly Bill No. 1004—An Act to amend Section 3817 of the Political Code, relating to the redemption of real estate sold for delinquent taxes to the State—report the same back, with recommendation that it do pass.

Also: Assembly Bill No. 216—An Act to amend Section 4460 of the Political Code, relating to and regulating publication, notices, or advertisements authorized or required to be given or made by public officers, the officers of courts, or by law, and defining newspapers of general circulation—report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 933—An Act to amend Section 1057 of the Code of Civil Procedure, relating to requisites of undertakings mentioned in said Code—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 1005—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by adding a new section immediately after Section 538*b* thereof, to be numbered Section 538*c*, making it the crime of larceny for the mortgagor of certain personal property to move said property during the existence of said mortgage without the written consent of mortgagee—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 1006—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section immediately after Section 507 thereof, to be numbered Section 507*a*, making it the crime of embezzlement for any person who has the lawful possession, but not the title, to personal property, to sell, transfer, mortgage, or pledge said property—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 575—An Act to amend an Act entitled an "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases—report the same back to allow author to withdraw same.

JOHNSON of Sacramento, Chairman.

The above reported bills, with the exception of Assembly Bill No. 575, ordered on file for second reading.

WITHDRAWAL OF BILL.

Mr. Johnson of Sacramento asked for and was granted unanimous consent to withdraw Assembly Bill No. 575.

Bill withdrawn, and ordered stricken from the file.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 834—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Also: Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal

improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Also: Assembly Bill No. 1028—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants; and the right to take materials from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipality and its inhabitants with water.

Also: Assembly Bill No. 978—An Act making it unlawful in any city or city and county in the State of California for any board of supervisors, board of police commissioners, police commission, or other licensing body, authority, or person, to demand or receive from any person or persons making application for permit or license to do business in such city, or city and county, and for and on behalf of such city, or city and county, or otherwise, any license, tax, or fee, or money consideration whatever as and for license money for any period during which such applicant for such permit or license has not had such permit or license, or as a condition precedent to the granting of such permit or license, and providing for the recovery by the proper action in court by the person paying the same of any such moneys so paid, whether the same was paid under protest or not.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 463—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling or transporting materials or supplies required in the construction or completion of any public work, improvement or utility, or for the purpose of maintaining or operating any such work, improvement, or utility—have had the same under consideration, and respectfully report the same back, without recommendation.

JURY, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CAMPBELL, Chairman.

Senate Bill No. 798 ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways for the fifty-eighth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FINNEY, Chairman.

Senate Bill No. 873 referred to Committee on Ways and Means.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 8—An Act providing for the purchase of a site for a State printing office at the City of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of a building on said site, and appropriating money therefor.

Also: Assembly Bill No. 17—An Act providing for the purchase of a site for an armory and State arsenal for the National Guard at the City of Sacramento, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Also: Assembly Bill No. 56—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 70—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Also: Assembly Bill No. 231—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a bureau of labor statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said commissioner, his deputy, his agents and assistants and making an appropriation therefor.

Also: Assembly Bill No. 312—An Act appropriating two hundred and fifty thousand dollars ($250,000.00) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County on the grounds of the University of California, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of the State in relation thereto.

Also: Assembly Bill No. 376—An Act providing for the building of cottages for guards at the State Prison at San Quentin, and appropriating money therefor.

Also: Assembly Bill No. 435—An Act to provide for the payment of the bounty due Joseph Schwindel under an Act entitled "An Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds," approved April 4, 1864, and making an appropriation therefor.

Also: Assembly Bill No. 443—An Act to amend Sections 8 and 15 of an Act entitled "An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897.

Also: Assembly Bill No. 467—An Act providing for an appropriation of one thousand dollars ($1,000) for the purpose of constructing cement curbing and gutters around the grounds of Sutter's Fort.

Also: Assembly Bill No. 525—An Act to appropriate money for the purpose of constructing object lesson oiled roads in different sections of the State.

Also: Assembly Bill No. 654—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist, of the State Mining Bureau.

Also: Assembly Bill No. 687—An Act to pay the claim of Herman Steinman against the State of California.

Also: Assembly Bill No. 710—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.

Also: Assembly Bill No. 776—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Also: Assembly Bill No. 810—An Act to provide for the purchase of the building and site of the old Mission Dolores, at San Francisco, California, constituting a board of trustees to maintain the same as a California landmark; and appropriating the sum of $50,000 therefor.

Also: Assembly Bill No. 815—An Act to make an appropriation to straighten and confine the channel of the Salinas River and protect the banks thereof from erosion by means of jetty work and riprap.

Also: Assembly Bill No. 972—An Act appropriating money to pay expenses of improving Agricultural Park, in the City of Los Angeles, and to erect a building or buildings on said Agricultural Park property, for the purpose of holding a Citrus Fruit Exposition in the year 1913.

Also: Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house and implement shed at the Southern California State Hospital and to make appropriation for the same.

Also: Senate Bill No. 350—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Senate Bill No. 499—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.

Also: Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Also: Senate Bill No. 608—An Act making an appropriation for the furnishing of meals, lodging, transportation, medicines, and other necessaries of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors in securing employ-

ment for ex-convicts, and for defraying all necessary expenses in carrying out the purposes of this Act.

Also: Senate Bill No. 609—An Act creating a contingent fund for the use of the State Prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Also: Senate Bill No. 610—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Also: Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of $2,000 therefor.

Also: Committee Substitute for Senate Bill No. 806—An Act to pay the claim of John E. Toler against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 359—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products, and to appropriate money for enforcing its provisions," by amending Sections 2 and 12, making provision for enforcing the above Act as amended by appropriating money therefor.

Also: Assembly Bill No. 382—An Act authorizing and directing the remodeling and furnishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 396—An Act to appropriate the sum of $100,000 to pay the unpaid scrip of delegates to the convention framing the Constitution of the State of California.

Also: Assembly Bill No. 397—An Act to appropriate the sum of $600 to pay the unpaid scrip issued to delegates to the convention framing the Constitution of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Concurrent Resolution No. 15—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.

Also: Assembly Concurrent Resolution No. 24—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WHITMORE, Chairman.

Senate Concurrent Resolution No. 15, and Assembly Concurrent Resolution No. 24 ordered on file for adoption.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 28—Relative to amending Section 16, of Article IV of the Constitution, relative to approval and return of bills by the Governor, and the exercise of the veto power—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to Article II of the Constitution of the

State of California by amending Section 2½ thereof, relating to primary elections, so as to permit the direct or other nomination of candidates for public office without conventions.

Also: Senate Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 3 of Article XI thereof, and relating to the formation of new counties, and altering the boundary lines of existing counties.

Also: Assembly Constitutional Amendment No. 27—Relative to amendment to Article XI of the Constitution, relative to consolidation of cities.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

WESKE, Chairman.

The above constitutional amendments ordered on file for adoption.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 843—An Act to amend Sections 6 and 7 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, so as to provide for the payment of services of county auditor, county tax collector, and county treasurer.

Also: Senate Concurrent Resolution No. 3—Resolution relative to the appointment of committees to investigate and report upon the conditions of the harbors of the State.

Also: Assembly Bill No. 831—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Also: Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure.

Also: Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Also: Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers and administrations.

Also: Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of decedents.

Also: Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure, and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Also: Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Also: Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Also: Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Also: Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads, and of other property exempt from execution, belonging to the estates of decedents.

Also: Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons, in saving banks.

Also: Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Also: Assembly Bill No. 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Also: Assembly Bill No. 277—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators and the settlement of such accounts.

Also: Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Also: Assembly Bill No. 288—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.

Also: Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Also: Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Also: Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Also: Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Also: Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of estates of deceased persons.

Also: Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Also: Assembly Bill No. 607—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461 thereof, both relating to the General Fund.

Also: Assembly Bill No. 608—An Act to add a new section to the Political Code, to be known as Section 4653*a* thereof, relating to donations to the State.

Also: Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Also: Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

Also: Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Also: Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to corporations.

Also: Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Also: Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure relative to the liens of mechanics, miners, and others, upon real property.

Also: Assembly Bill No. 669—An Act to repeal Title I, of Part II of the Political Code and to substitute therefor a new title, to be known as Title I, of Part II of said Code, relating to the chief political divisions of the State.

Also: Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2023 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Also: Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Also: Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Also: Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.

Also: Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Also: Assembly Bill No. 474—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.

Also: Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Also: Assembly Bill No. 184—An Act to repeal Title VIII, of Part III, of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Also: Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Also: Assembly Bill No. 275—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Also: Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Also: Assembly Bill No. 284—An Act to repeal Title XIII, of Part III, of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Also: Assembly Bill No. 289—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Also: Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Also: Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Also: Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Also: Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Also: Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trademarks.

Also: Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Also: Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501*a*, all relating to claims against the estates of decedents.

Also: Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.

Also: Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Also: Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Also: Assembly Bill No. 606—An Act to repeal Article XIII, of Chapter III, of Part III, of the Political Code, relating to State Geologist.

Also: Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Also: Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Also: Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Also: Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code, and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Also: Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

Also: Assembly Bill No. 180—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.

Also: Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Also: Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Also: Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Also: Assembly Bill No. 188—An Act to repeal Chapter III, of Title IV, of Part III, of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Also: Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Also: Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Also: Assembly Bill No. 872—An Act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditures by the counties of the moneys so paid.

Also: Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.

Also: Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Also: Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof.

Also: Assembly Bill No. 677—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Also: Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Also: Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

Also: Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Also: Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

Also: Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 809—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies, and all other infectious or contagious diseases among sheep.

Also: Senate Concurrent Resolution No. 20—Relative to leave of absence for Senato

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day concurred in Assembly amendments to Senate Bill No. 348—An Act to prohibit the use of chemicals and other materials in milk and milk products to prevent fermentation therein.

Also: Senate Bill No. 503—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class and repealing all conflicting Acts.

Also: Senate Bill No. 475—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Also: Senate Bill No. 332—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.

Also: Senate Bill No. 506—An Act to amend Sections 1115, 1118, and 1125 of the Code of Civil Procedure, relating to contesting certain elections.

Also: Senate Bill No. 560—An Act to amend Sections 1189, 1192, 1358, 1079, 1361, 1186, and 1188 of the Political Code, relating to elections.

Also: Senate Bill No. 588—An Act to amend Sections 1123 and 1126 of the Code of Civil Procedure, relating to contesting certain elections.

Also: Refused to concur in Assembly amendment to Senate Bill No. 113, and respectfully request your honorable body to recede from the same, and in case of a refusal to so recede, respectfully request that a conference committee be appointed to meet with Senators Belshaw, Nelson, and Welch, who have been appointed as a conference committee by the Senate.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day receded from Senate Amendment No. 3 to Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate has ordered returned to you Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf—as requested.

LEWIS A. HILBORN, Secrteary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and, on this day passed as amended, the following:

Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Also: Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Also: Assembly Bill No. 159—An Act to change, establish and permanently locate the boundary lines of the County of Kings, and a portion of the south boundary line of the County of Fresno, and to provide for the submission of such change, establishment, and location of such boundary lines, to the qualified electors of the territory to be affected by the change.

Also: Assembly Bill No 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Also: Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Also: Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Also: Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

And respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 843 read first time, and referred to Committee on Municipal Corporations.

Senate Concurrent Resolution No. 3 referred to Committee on Commerce and Navigation.

Assembly Bills Nos. 831, 601, 842, 193, 195, 189, 194, 198, 199, 200, 197, 187, 276, 277, 279, 288, 291, 427, 273, 278, 280, 282, 607, 608, 611, 613, 781, 883, 426, 618, 669, 287, 705, 706, 757, 604, 474, 190, 184, 196, 275, 283, 284, 289, 290, 759, 782, 816, 817, 818, 202, 274, 384, 605, 606, 609, 610, 612, 668, 178, 180, 182, 183, 186, 188, 191, 192, 872, 966, 976, 484, 677, 665, 466, 928, 808, 311, and 809 ordered to enrollment.

SENATE CONCURRENT RESOLUTION No. 20.

Resolved by the Senate, the Assembly concurring, That leave of absence from the State for a longer period than sixty days be granted to Senators H. E. Carter, Henry M. Willis, H. A. Broughton, A. Caminetti, W. F. Price, F. W. Leavitt, E. I. Wolfe, J. B. Curtin, H. S. G. McCartney, G. T. Rolley, Gus Hartman, Abner Weed, L. A. Wright, J. N. Anderson, J. B. Sanford, R. J. Welch, C. W. Bell, W. H. Savage, Marshall Black, G. W. Cartwright, J. B. Irish, J. G. Mattos, Jr., F. A. Markey, C. B. Greenwell, T. J. Kennedy D. J. Reily, E. O. Miller, B. F. Rush, and C. M. Belshaw.

Senate Concurrent Resolution read.

The roll was called, and Senate Concurrent Resolution No. 20 adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Birdsall, Butler, Campbell, Case, Cogswell, Collister, Cornish, Davis, Drew, Estudillo, Finney, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Senate Concurrent Resolution No. 20 ordered transmitted to the Senate.

ASSEMBLY RECEDES.

Mr. Leeds moved that, in compliance with the request from the Senate, the Assembly now recede from the following Assembly amendment to Senate Bill No. 113:

ASSEMBLY AMENDMENT.

Amend by inserting after word "state," on line 13, page 2, printed bill, the following: "or who between the first day of May, and the first day of September of the same year, takes, catches, kills, or has in his possession, any shrimps."

The question being put, "Shall the Assembly recede from the Assembly amendment to Senate Bill No. 113?"

The roll was called, and the Assembly amendment to Senate Bill No. 113 was receded from by the following vote:

AYES—Messrs. Barry, Beban, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cutten, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Kohlman, Leeds, Lemon, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Transue, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Senate Bill No. 113 ordered transmitted to the Senate.

The Speaker directed the Chief Clerk to notify the Senate that the Assembly had receded from Assembly amendment to Senate Bill No. 113.

Assembly Bill No. 491 ordered to enrollment.

Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 876?"

SENATE AMENDMENT.

On page 13, Section 21, line 8, strike out the word "Untied," and insert in lieu thereof the word "United."

Assembly Bill No. 876, as amended by the Senate, was placed on file for further consideration, subject to call.

Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 915?"

SENATE AMENDMENT.

Printed bill, on page 2, Section 1, line 20, strike out the word "counties," and insert in lieu thereof the following: "county."

The roll was called, and Senate amendment to Assembly Bill No. 915 was concurred in by the following vote:

AYES—Messrs. Beban, Boyle, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Strobridge, Thompson of San Francisco, Transue, Vogel, Weske, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Assembly Bill No. 915 ordered to enrollment.

Assembly Bill No. 159—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 159?"

SENATE AMENDMENTS.

By striking out all after the word and figure "Section 2," page 2, and inserting in lieu thereof the following: "The south boundary line of Fresno County, between Kings and Fresno counties, is hereby declared to be the fourth standard parallel line south."

Also: Add a new section, to be numbered three, as follows: "Section 3. This Act shall take effect from and after its passage"; and amend the title by adding after the word "Kings," the following: "and a portion of the south boundary line of the County of Fresno."

Also: Amend the title by inserting after the last word in the title, the following: "and provide for the submission of such change, establishment and location of such boundary lines to the qualified electors of the territory to be affected by the change."

Also: Strike out Section 3, and insert in lieu thereof the following:

SEC. 4. This Act shall take effect and be in force from and after its passage, and all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Also: Insert after Section 2, and before the words "Sec. 3," a new section to be numbered Section 3, as follows:

SEC. 3. The Governor shall within ten days after this Act takes effect and as hereinafter provided, appoint five persons, residents and electors of that certain territory within the following described boundaries, viz: Beginning at the northwest corner of township seventeen (17) south, range thirteen (13) east Mount Diablo base and meridian; thence due south along the range line between ranges twelve (12) and thirteen (13), to the summit of the Coast Range Mountains; thence southerly along the summit of the Coast Range Mountains, the same being also the boundary line between the counties of San Benito and Monterey, and the County of Fresno as now established by law, to the corner common to the counties of Fresno, Monterey, and Kings; thence northeasterly along and following the boundary line between Kings and Fresno counties, as now established by law, to a point where said boundary line intersects the fourth standard parallel line south; thence due west on said fourth standard parallel line south to the place of beginning, who shall be and constitute a board of commissioners to carry out the provisions of this Act. All costs and expenses that may be incurred by said commissioners, as such, in holding any election hereinafter provided for and any compensation due said commissioners, for services rendered as such, or any clerk employed by them, shall be legal charges against the County of Kings. The said commissioners shall each receive five dollars per day for each and every day's services actually rendered as such commissioners, not exceeding twenty days' services by each commissioner, and their actual traveling expenses, the same to be audited and paid as other expenses are audited and paid by the board of supervisors of Kings County. Said commissioners shall meet within said territory above described within ten days after their appointment, and after being duly sworn to faithfully discharge their duties as such commissioners, shall organize by electing one of their number president, and shall elect a clerk, who shall also be duly sworn to faithfully discharge the duties of clerk of said board of commissioners, and shall receive the sum of fifty dollars per month during his term of office. Three of the members of said board shall be necessary to transact any business, and a majority of the members present at any meeting shall control in all matters coming before said board. It shall be the duty of said board of commissioners, after they shall have duly organized, to divide the territory last above described into not less than five nor more than nine election precincts, and to designate the place in each precinct where the election herein provided for must be held. Said commissioners and the clerk elected by them are hereby authorized, empowered, and required to discharge the same duties as are now required by law of boards of supervisors and county clerks in the counties of this State so far as the same apply to holding elections, canvassing returns, and certifying the result thereof; they shall keep a full record of their proceedings, transmitting to the Secretary of State a certified copy thereof, and filing the original, with the original election returns, in the office of the county clerk of the County of Fresno; and in case the qualified electors of said territory last above described shall vote in favor of such change as herein provided the said commissioners shall file a certified copy of all their proceedings and of said election returns with the county clerk of the County of Kings; and thereupon the powers and duties of said commissioners shall cease and terminate. Within sixty days from the time of the first meeting of the commissioners herein provided for, said commissioners shall order and hold an election in the said territory last hereinbefore described and in each precinct thereof created by said commissioners. At said election there shall be submitted to the qualified electors of said territory the question whether said territory herein described shall be annexed or added to Kings County; and for the purpose of ascertaining the choice of said electors the ballots used at said election shall have printed thereon the words "For annexation to Kings County—Yes." "For annexation to Kings County—No," and all ballots on which a cross is marked with a

stamp after the words "For annexation to Kings County—Yes" shall be counted in favor of such annexation of said territory hereinbefore described to Kings County, and all ballots on which a cross is marked with a stamp after the words "For annexation to Kings County—No" shall be counted against such annexation. Said election shall be conducted in every respect, except as otherwise herein provided, in accordance with the general election law for the election of county and township officers. All qualified electors of this State who have been residents and electors of the said territory last herein described for ninety days preceding the election herein provided for shall be qualified to vote at said election. The great register of Fresno County used at the general election held in the year nineteen hundred and six in the territory last above described shall be prima facie evidence of the qualification of electors; the county clerk of the County of Fresno is hereby directed to furnish the said commissioners a certificate under seal, showing the additional names of the voters on the great register of the County of Fresno, registered as residing in the said territory hereinbefore described since the last great register of Fresno County was printed, and the certificate of the county clerk of Fresno County under seal, showing the registration of any qualified voter residing in the said territory prior to three months before such election shall entitle the holder thereof, if otherwise qualified by law, to vote at said election. It shall be the duty of the Secretary of State to furnish to the clerk of said board of commissioners the quantity of ballot paper ordered by the said clerk for use at said election upon the payment of the cost of said paper. If at said election sixty per cent of the votes cast on the question of annexation of the said territory hereinbefore described to Kings County shall be in favor of such annexation, then the said territory shall be and become a part of the said County of Kings from and after the day upon which the returns of said election shall be ascertained and declared by said board of commissioners. But if at such election less than sixty per cent of the qualified electors voting for and against such annexation of said territory to the County of Kings shall be in favor thereof, then said territory hereinbefore described shall continue to be and remain a portion of the said County of Fresno. Sealed returns from the officers of election of the several precincts established by said board of commissioners shall be made to such board of commissioners at such office as they may select within the said territory within six days after the day of election. All justices of the peace, and all constables, duly elected and qualified and residents of the said territory herein described at the taking effect of this Act shall hold their offices for the terms provided by law for the respective townships in which they reside. All school trustees acting as such at the time of the taking effect of this Act, and residents of the said territory herein described, shall hold their offices for the time provided by law, for the respective school districts in which they severally reside, as such districts are now organized. All notaries public residents of the said territory herein described shall hold their offices until the expiration of their terms.

The roll was called, and Senate amendments to Assembly Bill No. 159 were concurred in by the following vote:

AYES—Messrs. Birdsall, Bishop Boyle, Butler, Case, Cogswell, Cornish, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Wyatt, and Mr Speaker—47.

NOES—Messrs. Barry, Campbell, Drew, and Otis—4.

Assembly Bill No. 159 ordered to enrollment.

Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 181?"

SENATE AMENDMENT.

On page 1, Section 1, line 8, strike out the word "of" at end of line.

The roll was called, and Senate amendment to Assembly Bill No. 181 was concurred in by the following vote:

AYES—Messrs Barry, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Collister, Cornish, Costar, Davis, Drew, Estudillo, Forbes, Fratessa, Hartmann, Held, Johnson of San Diego, Jury, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

NOES—None.

Assembly Bill No. 181 ordered to enrollment.

Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 272?"

SENATE AMENDMENT.

On page 5, Section 9, strike out the words, lines 1 to 7, inclusive.

The roll was called, and Senate amendment to Assembly Bill No. 272 was concurred in by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Boyle, Butler, Campbell, Case, Collister, Cornish, Davis, Estudillo, Finney, Forbes, Fratessa, Hans, Hartman, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strobridge, Thompson, of San Francisco, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Assembly Bill No. 272 ordered to enrollment.

Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 819?"

SENATE AMENDMENT.

By inserting in Section 1, line 82, the words "five hundred," after the syllable "and," and before the word "dollars."

The roll was called, and Senate amendment to Assembly Bill No. 819 was concurred in by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Collister, Cornish, Costar, Davis, Drew, Estudillo, Finney, Hans, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Pierce, Pyle, Root, Spaulding, Stanton, Strobridge, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

NOES—None.

Assembly Bill No. 819 ordered to enrollment.

Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

Mr. Wyatt moved that the Assembly refuse to concur in the following Senate amendment to Assembly Bill No. 758:

SENATE AMENDMENT.

By striking out of Section 1, page 2, line 53, the word "sufficient," and inserting in lieu thereof the following: "succinct."

The question being put, "Shall the Assembly refuse to concur in Senate amendment to Assembly Bill No. 758?"

The roll was called, and the Assembly refused to concur in Senate amendment to Assembly Bill No. 758 by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Boyle, Butler, Campbell, Case, Collister, Cornish, Costar, Cutten, Davis, Drew, Estudillo, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Ludington, Lynch McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Stanton, Strobridge, Transue, Vogel, Weske, Wessling Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

The Speaker directed the Chief Clerk to notify the Senate that the Assembly refused to concur in Senate amendment to Assembly Bill No. 758, and requested the Senate to recede therefrom.

Mr. Campbell moved that consideration of Senate amendments to Assembly Bill No. 552 be now taken up.

Motion carried.

Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 552?"

SENATE AMENDMENTS.

On page 1, Section 1, line 2, after the word "trial," insert the following: "in action or proceeding."

Also: On page 1, Section 1, line 5, after the word "proceeding," insert the following: "is."

Also: On page 2, Section 1, line 16, strike out the word "a," and insert in lieu thereof the following: "such."

The roll was called, and Senate amendments to Assembly Bill No. 552 were concurred in by the following vote:

AYES—Messrs. Beban, Birdsall, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Hammon, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Lynch, McConnell, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Wessling, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

RE-REFERENCE OF BILLS.

On motion of Mr. Transue, Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways, for the fifty-eighth fiscal year—was recalled from the Committee on Roads and Highways and referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 578—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.

Assembly Bill No. 545—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Assembly Bill No. 371—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.

Assembly Constitutional Amendment No. 8—Resolution to amend Section 6 of Article IX of the Constitution of California.

And were presented to the Governor March 6, 1907, at eleven o'clock A. M.

Also: Beg leave to report that the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 939—An Act to amend Chapter I of Title V of Part III of the Political Code, providing for the care of insane, feeble-minded, and other incompetent persons, the management of State hospitals, and establishing a board of lunacy commission.

Assembly Bill No 961—An Act to repeal Section 2 of an Act entitled "An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions, and photographs of convicts about to be discharged by the wardens of State prisons," approved March 27, 1897.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Section 1 and Section 4 thereof.

Assembly Bill No. 642—An Act to provide for the government and management of schools for the discipline, education, reformation and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.

HANS, Chairman.

The above reported reëngrossed bills were ordered on file for third reading.

REQUEST FOR INTRODUCTION OF BILL.

The following petition asking permission to introduce bill out of order was offered:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, California, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Bernardino Valley Traction Company for the purpose of a right of way for an electric railroad therefor."

LEMON,
Member Seventy-sixth Assembly District.

Petition referred to Committee on Introduction of Bills.

RESOLUTION.

The following resolution was submitted:
By Mr. Estudillo:

WHEREAS, It has appeared to the Ways and Means Committee of this Assembly that the charges made by the State Printer's office of this State to the various departments and commissions for printed supplies have been considerably higher than in the opinion of members of the Ways and Means Committee is warranted under the circumstances, and in fact a general charge about three times higher than is charged for the same class of work in private establishments; be it therefore

Resolved, That the Speaker of the Assembly be and he is hereby authorized and empowered to appoint a committee of five members to examine into and report upon all matters in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printer's office; also to examine into and report upon the methods pursued by said State Printer in the purchase of supplies, equipment, and all necessary materials, with a view to ascertaining whether or not in the furnishing of such supplies and equipment the best interests of the State are subserved to the end that the Department of State Printing will be enabled to furnish supplies of printing, binding, ruling, etc., to the various departments of the State at a reasonable compensation, and at figures which will compare favorably with the charges made for like work by private institutions.

Resolved, That the said committee be, and it hereby is authorized and empowered to do any and all things necessary to have a full and complete investigation of the matters hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony. Members of said committee are, and each of them is, hereby authorized to administer oaths; and that all the provisions of Article VIII of Chapter II, Title I and Part III of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees

thereof," applies to the committee appointed under this resolution, and the Sergeant-at-Arms of the Assembly is hereby authorized and directed to serve any and all subpœnas and orders, or other process that may be issued by the chairman of the said committee when directed to do so by the chairman.

And be it further resolved, That said committee report the result of its investigations and recommendations to the thirty-eighth session of the California Legislature.

Resolution ordered printed in the Journal.

SPECIAL ORDER SET.

On motion of Mr. Estudillo, the consideration of the above resolution was made a special order for Friday, March 8, 1907, immediately after the reading of the Journal.

BILLS RECALLED FROM COMMITTEE.

On motion of Mr. Stanton, Senate Bill No. 933—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from such land for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipalities and its inhabitants with water—was recalled from the Committee on Judiciary and placed on file.

On motion of Mr. Weske, Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California—was recalled from the Committee on Ways and Means and placed on file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 131—An Act to amend Section 1576*a* of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SACKETT, Chairman.

Senate Bill No. 131 ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 750—An Act to add a new section to the Political Code, to be known as Section 625*a*, relating to information to be furnished each county clerk by the Insurance Commissioner.

Also: Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Also: Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Also: Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Also: Committee Substitute for Senate Bills Nos. 273 and 342—An Act providing for the organization and management of mutual fire insurance companies.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DREW, Chairman.

The above reported bills ordered on file for second reading.

SPECIAL ORDERS SET.

Assembly Bill No. 523—An Act to add a new section to the Civil Code, to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities.

Assembly Bill No. 524—An Act to add a new section to the Penal Code, to be known as Section 393*a*, to provide for the giving of notice of accidents occurring on any railroad in California.

On motion of Mr. Walsh, the further consideration of Assembly Bills Nos. 523 and 524 was made a special order for eleven o'clock A. M. of Friday, March 8, 1907.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Bill No. 1032—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Joint Resolution No. 2—Relative to the remission of duties on building materials used for the reconstruction and rehabilitation of California cities that were wrecked and burned by earthquake and fire on April 18, 1906.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGHLAN, Chairman.

Assembly Bill No. 1032 ordered on file for second reading.

Senate Joint Resolution No. 2 ordered on file for adoption.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Leeds moved that the vote whereby Senate Bill No. 90—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1322 of said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings—was refused passage, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Held, Hewitt, Johnson of Sacramento, Jury, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Stanton, Stetson, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—Messrs. Snyder, Spaulding, and Thompson of San Francisco—3.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 90 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hammon, Held, Hewitt, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—Messrs. Otis, Weske, and Wyatt—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

On motion of Mr. Johnson of Sacramento, the further consideration of Assembly Bill No. 132 was made a special order for eleven o'clock A. M. of Friday, March 8, 1907.

At twelve o'clock M., Speaker pro tem. Transue in the chair.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Devlin moved that the vote whereby Assembly Bill No. 843—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf—was passed, be reconsidered.

TIME FOR RECESS EXTENDED.

At twelve o'clock and twenty-nine minutes P. M., during the consideration of Assembly Bill No. 843, on motion of Mr. Davis, the hour of recess was extended fifteen minutes.

TIME FOR RECESS RE-EXTENDED.

At twelve o'clock and forty-four minutes P. M., on motion of Mr. Davis, the time for recess was extended until such time as would permit the consideration of Assembly Bill No. 843 to be concluded without interruption.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Devlin moved a call of the House.

Motion carried.

Time, twelve o'clock and forty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, John, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Estudillo, Held, and McClellan were brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At one o'clock and four minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Devlin.

The roll of absentees was called.

Whereupon the Speaker announced that the Assembly refused to reconsider by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Held, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, Percival, Pierce, Pyle, Root, Sackett, Smith, Stanton, Stetson, Strobridge, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—37.

NOES—Messrs. Barry, Beban, Berry, Boyle, Coghlan, Cullen, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, John, Johnson of San Diego, Kohlman, Lemon, Ludington, McGuire, Otis, Spaulding, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, and Wilson—27.

Bill ordered transmitted to the Senate.

RECESS.

At one o'clock and seven minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.

Bill re-referred to Committee on Municipal Corporations, retaining its place on file.

Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale of any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 264 refused final passage by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Boyle, Bush, Butler, Campbell, Collister, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Ludington, McKeon, O'Brien, Otis, Smith, Snyder, Spaulding, Thompson of San Francisco, Toomey, Vogel, Wessling, Whitmore, Wilson, and Mr. Speaker—32.

NOES—Messrs. Bell, Berry, Birdsall, Bishop, Case, Cogswell, Cornish, Costar, Davis, Devlin, Drew, Finney, Hammon, Hewitt, Higgins, Jury, Kohlman, Leeds, Lemon, McClellan, McConnell, Percival, Pierce, Pyle, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, and Wyatt—32.

NOTICE OF MOTION TO RECONSIDER.

Mr. Strobridge gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 264 was this day refused passage.

Senate Bill No. 760—An Act to add a new section to the Political Code, to be numbered 759, relating to the appointment and employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 760 finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—61.

NOES—Mr. Coghlan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 767—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115*a*, requiring the county clerks, and the registrar of voters of the City and County of San Francisco, to furnish the Secretary of State with a certified copy of the index and supplements to the great register.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 767 finally passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—56.

NOES—Messrs. Baxter, Cullen, and Toomey—3.

Mr. Stetson moved to amend the title of the bill as follows:

Amend by striking out the word "the" before the word "county," in line 3 of title.

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 721—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 721 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Fratessa, Hans, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, McClellan, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Whitmore, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 737—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, construction, straightening, improvement, and repair of main public highways, providing for the acceptance of donations, and for voting, issuing, and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such public highways within their corporate limits, and to issue and sell bonds therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 737 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Bush, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Finney, Fisher, Fratessa, Hans, Hartmann, Held, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—Messrs. Baxter, Campbell, Higgins, Johnson of Sacramento, Lucas, Otis, and Spaulding—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 583—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to counties of the fifty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 583 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Hammon, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Whitmore, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 452—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities, and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 452 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Boyle, Bush, Butler, Case, Cogswell, Collister, Cornish, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Held, Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Smith, Snyder, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Wessling, Wilson, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 125—An Act to amend Section 69 of the Civil Code of California, relating to marriage licenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 125 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Fisher, Hammon, Hans, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 487—An Act to add a new section to the Political Code, to be numbered and known as Section 757*a*, relating to the office hours of the Clerk of the Supreme Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 487 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Wessling, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 296—An Act to amend Section 476 of the Code of Civil Procedure, relating to ruling on demurrer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 296 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—52.

NOES—Mr. Held—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 530—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 530 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Collister, Cornish, Cullen, Davis, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—Messrs. Cogswell, Costar, Cutten, Devlin, Finney, Hewitt, Higgins, McConnell, O'Brien, Otis, and Strobridge—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 398—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying pipe line from said reservoir and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 398 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 722—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

On motion of Mr. Lemon, Senate Bills Nos. 722 and 247 were transposed on file.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

During third reading of bill, Mr. Lucas moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the word "California," in line 1, Section 1, printed bill, the following: "other than a citizen of the United States under the age of eighteen years."

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 247 refused final passage by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Bush, Case, Collister, Cornish, Hammon, Johnson of Sacramento, Kelly, Leeds, Lemon, Ludington, McClellan, O'Brien, Root, Sackett, Smith, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, and Wessling—26.

NOES—Messrs. Barry, Baxter, Berry, Bishop, Boyle, Butler, Campbell, Cogswell, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Lucas, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Snyder, Spaulding, Strobridge, Thompson of San Francisco, Toomey, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Concurrent Resolution No. 3—A resolution relative to the appointment of committees to investigate and report upon the conditions of the harbors of the State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No 801—An Act establishing a Board of State Harbor Commissioners for a part of the Bay of San Francisco lying in front of the City of Oakland, to be known as the Board of State Harbor Commissioners for the City of Oakland, and defining its jurisdiction, powers, and duties—have had the same under consideration, and respectfully report the same back, with one amendment, and recommend that it do pass as amended.

CUTTEN, Chairman.

Senate Bill No. 801 ordered on file for third reading.

Senate Concurrent Resolution No. 3 ordered on file for adoption.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 880—An Act making an appropriation to repay to Thomas Bair moneys paid by him into the county treasury of Humboldt County for lands purchased by him under location 1223.

Assembly Bill No. 879—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections, by eliminating all references therein to the party circle on ballots.

Assembly Bill No. 143—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Assembly Bill No. 964—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Assembly Bill No. 747—An Act to appropriate the sum of $60.51 to pay the claim of the Security Mutual Life Insurance Company against the State of California.

Assembly Bill No. 746—An Act to appropriate the sum of $1,531.91 to pay the claim of the Prudential Insurance Company of America against the State of California.

Assembly Bill No. 745—An Act to appropriate the sum of $3,462.11 to pay the claim of the New England Mutual Life Insurance Company against the State of California.

Assembly Bill No. 744—An Act to appropriate the sum of $222.85 to pay the claim of the Northwestern National Life Insurance Company against the State of California.

Assembly Bill No. 743—An Act to appropriate the sum of $349 60 to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.

Assembly Bill No. 742—An Act to appropriate the sum of $11.30 to pay the claim of the Life Association of America against the State of California.

Assembly Bill No. 741—An Act to appropriate the sum of $1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.

Assembly Bill No. 740—An Act to appropriate the sum of $889.95 to pay the claim of the Bankers Life Association of Des Moines, Iowa, against the State of California

Assembly Bill No. 739—An Act to appropriate the sum of $2,536.76 to pay the claim of the Ætna Life Insurance Company, of Hartford, Connecticut, against the State of California.

Assembly Bill No. 1030—An Act to increase the number of judges of the Superior Court of the County of Alameda, State of California, and for the appointment of such additional judges.

Assembly Bill No. 997—An Act to empower the boards of supervisors, boards of trustees, common councils, or other governing or legislative bodies of counties, cities and counties, cities and towns, to permit the holders of street railroad and interurban railway franchises therein to operate freight cars and to transport freight, and to provide for a compensation for such permission.

Assembly Bill No. 434—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered Section 317½, prohibiting the publication of certain advertisements.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

SECOND READING OF BILL.

Senate Bill No. 801—An Act to provide for the improvement, protection, and management of wharves, docks, piers, and certain of the water front lands and premises at the City of Oakland, and for the possession and control thereof, defining the limits thereof, creating a Board of State Harbor Commissioners therefor, providing for the manner and time of their and their successors' appointment, defining their powers, jurisdiction, duties, and qualifications, fixing their terms, salaries, and bonds, providing for the filling of vacancies in said board, for the appointment, salaries, and removal of officers and employés thereof, for the collection, deposit, and disbursement of the revenues and funds arising from the carrying into effect of this Act, creating the Oakland Harbor Improvement Fund, appropriating public moneys to carry this Act into effect, defining the duties of certain State officers with reference to said board, said lands and premises, said revenues and fund, declaring and defining a misdemeanor for and providing for the punishment as a misdemeanor of any person upon conviction of the violation of the lawful rules or regulations of said board, and giving jurisdiction to any police court of the City of Oakland in cases of such misdemeanor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding in Section 4, line 42, page 6 of printed bill, after the word "leased," the words, "The provisions of this section shall be at the rate of not more than one ($1) dollar per front foot per annum of the water frontage of the premises leased."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

MEMBERS' URGENCY FILE CONSIDERED.

Assembly Bill No. 969—An Act to amend "An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as Section 9*a*, relating to appointment of poundkeepers outside of incorporated cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 969 passed by the following vote:

AYES—Messrs Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Collister, Costar, Cullen, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1018—An Act entitled "An Act to amend Section 1670 of the Political Code," relating to establishing and maintaining high schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1018 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Costar, Cullen, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Johnson of Sacramento, Johnson of San Diego, Lemon, Lucas, Lynch, McClellan, McKeon, McMullin, Otis, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—Messrs. Beban and Held—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 880—An Act making an appropriation to repay to Thomas Bair moneys paid by him into the county treasury of Humboldt County for land purchased by him under location 1223.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 880 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Forbes, Fratessa, Hans, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 23 of Article IV thereof, relating to the compensation of the members of the Legislature, limiting the expense of the employés of the Senate and Assembly.

SENATE CONSTITUTIONAL AMENDMENT NO. 32.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, to be numbered Section 23*a*, of Article IV thereof, relating to limitation of the expense of employés of the Senate and Assembly.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, nineteen hundred and seven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that a new section be added to the Constitution of the State of California to be numbered section twenty-three *a* of article four thereof, to read as follows:

Section 23*a*. The Legislature may also provide for the employment of help; but in no case shall the total expense for officers, employés and attachés exceed the sum of five hundred (500) dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employé or attaché be increased after he is elected or appointed.

Senate Constitutional Amendment read.

The question being on the adoption of the Senate Constitutional Amendment.

The roll was called, and Senate Constitutional Amendment No. 32 adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Kelly, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.
NOES—Messrs. Johnson of Sacramento and Leeds—2.

Senate Constitutional Amendment No. 32 ordered transmitted to the Senate.

Senate Bill No. 696—An Act making an appropriation to pay the claim of Victor Heck against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 696 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Boyle, Bush, Campbell, Collister, Cornish, Costar, Cullen, Davis, Drew, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lucas, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—54.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumme County, and making appropriation therefor.

Bill read second time.

Mr. Baxter moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 152 considered.

Mr. Baxter moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 152, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Assembly Bill No. 598—An Act to amend Sections 3109 and 3110 of the Civil Code of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 598 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Coghlan, Collister, Cornish, Davis, Devlin, Drew, Finney, Forbes, Hammon, Held, Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Sackett, Snyder, Spaulding, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill order transmitted to the Senate.

Assembly Bill No. 595—An Act to amend Section 198 of the Code of Civil Procedure of the State of California, relative to competency of jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 595 refused passage by the following vote:

AYES—Messrs. Barry, Beban, Berry, Boyle, Coghlan, Cornish, Cullen, Fisher, Forbes, Fratessa, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Ludington, McKeon, McMullin, Strohl, Thompson of San Francisco, Transue, Vogel, Wessling, and Wilson—24.

NOES—Messrs. Birdsall, Bishop, Campbell, Case, Cogswell, Costar, Davis, Devlin, Drew, Estudillo, Finney, Held, Hewitt, John, Johnson of Sacramento, Leeds, Lucas, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Weske, Whitmore, Wyatt, and Mr. Speaker—33.

Senate Bill No. 758—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 758 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Case, Cogswell, Cornish, Costar, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Strobridge, Thompson of San Francisco, Transue, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 815—An Act amendatory and supplemental to an Act entitled "An Act amendatory of and supplemental to an Act entitled 'An Act to authorize and direct the county judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,' approved March 2, 1867,' approved March 30, 1868," approved March 12, 1885.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 815 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Cornish, Costar, Davis, Devlin, Drew, Finney, Forbes, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McConnell, McMullin, O'Brien, Pierce, Pyle, Smith, Snyder, Spaulding, Strohl, Strobridge, Thompson of San Francisco, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Weske asked for and was granted unanimous consent to withdraw Assembly Bill No. 475—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and re-direct the manner of expenditure thereof.

Bill withdrawn, and ordered stricken from the file.

Senate Bill No. 765—An Act to accept from E. F. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of and to vest the title in the State of California of the improvements, buildings, and furnishings therein at La Tour Soda Springs, in Shasta County, and appropriating the sum of $3,000 for the purpose of purchasing ten acres or more of land, and for the improvements thereof, and to maintain and care for the same as and for a free rooming, camping ground, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States Army; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 765 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Sackett, Spaulding, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1008 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Boyle, Butler, Campbell, Chandler, Cornish, Cullen, Cutten, Davis, Fisher, Forbes, Fratessa, Hartmann, Held Hewitt, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, McConnell, McKeon,

McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Transue, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1007 passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Coghlan, Collister, Cornish, Cullen, Davis, Drew, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, Pyle, Sackett, Snyder, Stanton, Strobridge, Thompson of San Francisco, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.
NOES—Messrs. Case, Costar, Cutten, Devlin, Finney, Percival, and Spaulding—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 888—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 888 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Finney, Fisher, Forbes, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Strobridge, Thompson of San Francisco, Toomey, Transue, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

On motion of Mr. Thompson of San Francisco, Assembly Bill No. 1020—An Act to change, establish, and permanently locate the boundary lines of the County of Fresno—was recalled from the Committee on County Boundaries, and withdrawn from the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was submitted (unanimous consent having been obtained for its reception):

By Mr. Transue:

Resolved, That the Chief Clerk of the Assembly be, and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-seventh session, comprising the history of all bills introduced, their authors, the number that have become laws, those that have been read on second readings, and all other information that will create a perfect guide and history to the session's business; together with this shall be the expense of the Assembly, and of printing, such information being prepared not only for the book, but as a guide for the thirty-eighth session of the Legislature. For the purpose of carrying out this work, and for preparing and having the official final Journals of the session prepared, signed by the officers of the Assembly after adjournment, and delivering the same to the State Printer

to be bound, the Controller is hereby directed to draw his warrant for the sum of $550 in favor of Clio Lloyd, $50 of which is to pay the postage and express in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 313—An Act providing for courses of study in agriculture and domestic science in high schools.

Also: Assembly Bill No. 530—An Act to amend the Political Code of the State of California, by adding eight new sections thereto to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, and 340*a*, under a new article to be numbered thirteen (13) to be added to chapter two (2), title one (1), part three (3) of said code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Also: Assembly Bill No. 835—An Act providing that credits allowed prisoners in the State prisons and serving more than one sentence, be computed and allowed on all the terms of sentence as on one continuous term sentence.

Also: Assembly Bill No. 943—An Act to amend Section 1880 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to persons who cannot testify upon claims against estates of deceased persons.

Also: Assembly Bill No. 990—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Also: Assembly Bill No. 820—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Also: Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Also: Assembly Bill No. 892—An Act appropriating money to pay for janitor service for the District Court of Appeal for the Third Appellate District of the State of California, and to provide for the maintenance of a law library for said court; also, to pay for furnishing and equipping the chambers, court room, clerk's and stenographer's rooms, and the library.

Also: Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section, to be numbered 21, to Article XX thereof, relative to the number of hours of labor or employment in a calendar day.

Also: Beg leave to report that the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

Also: Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code, relating to the sale of State lands, and delinquent taxes due thereon.

Also: Assembly Bill No. 675—An Act to amend Section 3804 of the Political Code, relating to the refunding of taxes erroneously collected.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

The above reported reëngrossed bills were ordered on file for passage.

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same with the recommendation that the author be permitted to introduce it:

By Mr. Lemon: Assembly Bill No. 1038—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, in the State of California, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Bernardino Valley Traction Company, for the purpose of a right of way for an electric railroad thereon.

STANTON, Chairman.

The question being put, "Shall the member named by the Committee on Introduction of Bills, in conformity with committee's recommendation, be permitted to introduce the same?"

The roll was called, and permission to introduce bill granted by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

INTRODUCTION OF BILL.

The following bill was introduced:

By Mr. Lemon: Assembly Bill No. 1038—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, in the State of California, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Bernardino Valley Traction Company, for the purpose of a right of way for an electric railroad thereon.

Bill read first time, and placed on file without reference.

NOTICE OF MOTION TO RECONSIDER.

Mr. Weske gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 247 was this day refused passage.

RECESS.

At five o'clock and thirty minutes P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Conference, to whom was referred Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of

levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect, and construct, and maintain such levees, dikes, and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905—report that we have met a like committee of the Senate, consisting of Senators Sanford, Boynton, and Cartwright, and we report that the conference committee has agreed, and recommend that the Assembly concur in the Senate amendments.

W. J. COSTAR,
FRANK R. DEVLIN,
Assemblymen.
A. E. BOYNTON,
J. B. SANFORD,
GEO. W. CARTWRIGHT,
Senators.

Mr. Costar moved that the Assembly adopt the report, and concur in Senate amendments to Assembly Bill No. 591.

The roll was called, report adopted, and amendments concurred in by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cornish, Costar, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Whitmore, and Mr. Speaker—42.
NOES—None.

Bill ordered to enrollment.

READING AND APPROVAL OF JOURNALS.

On motion of Mr. Transue, the Journals of Saturday, February 23, 1907; Monday, February 25, 1907; Tuesday, February 26, 1907; Wednesday, February 27, 1907; and Thursday, February 28, 1907, were read and approved as corrected by the Minute Clerk.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 642—An Act to provide for the government and management of schools for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.

Bill ordered to foot of file.

WITHDRAWAL OF BILL.

Mr. Otis asked for and was granted unanimous consent to withdraw Assembly Bill No. 254—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto—it being identical with Senate Bill No. 260, now in this House.

Assembly Bill No. 254 withdrawn, and ordered stricken from the file.

Senate Bill No. 260—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 260 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strobridge, Transue, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Ludington asked for and was granted unanimous consent to withdraw Assembly Bill No. 143—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor—it being identical with Senate Bill No. 134, now in this House.

Assembly Bill No. 143 withdrawn, and ordered stricken from the file.

Senate Bill No. 134—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 134 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Fratessa, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strobridge, Transue, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 879—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections, by eliminating all references therein to the party circle on ballots.

Bill read third time, and passed on file for further consideration.

Assembly Bill No. 892—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California; to pay for janitor services for said court, and to provide for the maintenance of a law library for said court; also to pay for furnishing and equipping the chambers, court room, clerk's and stenographer's rooms, and the library.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 892 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hans, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stetson, Strobridge, Transue, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—Mr. Finney—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 763—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and residences by the officers and employés thereof.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 763 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 763, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered to engrossment.

Assembly Bill No. 203—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "five thousand," Section 3, on line 1, second page, printed bill, and inserting in lieu thereof the following: "five hundred."

Amendment adopted.

Bill read second time.

Assembly Bill No. 998—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "five," Section 1, on line 3, first page, printed bill, and inserting in lieu thereof the word "four."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 203 and 998.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bills Nos. 203 and 998 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills as amended.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 203 and Assembly Bill No. 998, and do now report the same back, and recommend that they do pass as amended.

BEARDSLEE, Chairman.

Bills ordered to print and engrossment.

Assembly Bill No. 1036—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let by contract.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 989 passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Lynch, McConnell, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stetson, Transue, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 621—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising for medical purposes.

Bill ordered to engrossment.

Assembly Bill No. 923—An Act to provide for the payment of attorney fees in justices' courts and other inferior courts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

After the enacting clause insert as follows:

"SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be known and designated as Section 927, and to read as follows:"

Amendment adopted.

AMENDMENT No. 2.

Insert the figures "927" at the beginning of line 1, Section 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend the title by inserting after the words "An Act" the following: "to add a new section to the Code of Civil Procedure, to be numbered 927."

Amendment adopted.

Bill read second time, and ordered to print and engrossment.

Assembly Bill No. 986—An Act to protect all citizens in their civil and legal rights, and to fix a penalty for violation thereof.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 541—An Act to give permanency to the decisions of the Supreme Court.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 240—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 12 and 13.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 240 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Cogswell, Coghlan, Cornish, Costar, Cullen, Davis, Drew, Estudillo, Fisher, Fratessa, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lemon, Lucas, Lynch, McClellan, McGuire, McKeon, McMullin, Otis, Root, Sackett, Strohl, Thompson of Los Angeles, Vogel, Wessling, Wilson, and Wyatt—42.

NOES—Messrs. Campbell, Cutten, Devlin, Finney, Hans, Hewitt, Higgins, John, Kelly, Leeds, O'Brien, Percival, Pierce, Pyle, Smith, Spaulding, Stetson, Strobridge, Toomey, Transue, Weske, Whitmore, and Mr. Speaker—23.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 961—An Act to repeal Section 2 of an Act entitled "An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions, and photographs of convicts about to be discharged by the wardens of State prisons," approved March 27, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 961 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Bush, Campbell, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McKeon,

McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Transue asked for and was granted unanimous consent to withdraw Assembly Bill No. 956—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner and shall also perform in addition to his duties as fixed by law, the duties of the State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of such warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing the Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897—it being identical with Senate Bill No. 838, now in this House.

Assembly Bill No. 956 withdrawn and ordered stricken from the file.

Senate Bill No. 838—An Act defining the character of imitation butter and imitation cheese, providing for the prevention of deception in the manufacture or sale of butter or cheese, to secure its enforcement, defining offenses committed contrary to the provisions thereof, providing penalties for the commission of such offenses, providing that the State Veterinarian shall be ex officio State Dairy Commissioner, and shall also perform, in addition to his duties as fixed by law, the duties of State Dairy Commissioner, designating and prescribing the duties of such State Dairy Commissioner, providing that no action can be maintained to recover on account of any sale or contract made in violation hereof, providing for the issuance and service of search warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing an Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement and to appropriate money therefor," approved March 4, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 838 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Chandler, Cogswell, Coghlan, Cullen, Cutten, Davis, Drew, Estudillo, Fratessa, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—Messrs. Barry, Case, Cornish, Costar, Devlin, Finney, Fisher, Forbes, Hewitt, John, Kelly, McMullin, O'Brien, and Wyatt—14.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed, viz:

Assembly Bill No. 1035—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.

HANS, Chairman.

Assembly Bill No. 1035 ordered on file for third reading.

BILLS TRANSPOSED ON FILE.

Assembly Bill No. 778—An Act to change the boundaries of the County of Los Angeles.

On motion of Mr. Transue, Assembly Bills Nos. 778 and 997 were transposed on file.

Assembly Bill No. 997—An Act to empower the boards of supervisors, boards of trustees, common councils or other governing or legislative bodies of counties, cities and counties, cities and towns to permit the holders of street railroad and interurban railway franchises therein to operate freight cars and to transport freight, and to provide for a compensation for such permission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 997 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Bush, Case, Cogswell, Costar, Cullen, Cutten, Devin, Drew, Estudillo, Fisher, Fratessa, Held, Hewitt, Higgins, John, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, O'Brien, Percival, Pierce, Pyle, Root, Smith, Strohl, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, and Wyatt—42.

NOES—Messrs. Barry, Campbell, Chandler, Coghlan, Cornish, Davis, Finney, Hans, Hartmann, Johnson of Sacramento, Johnson of San Diego, Kelly, Ludington, McKeon, McMullin, Otis, Sackett, Spaulding, Stetson, Strobridge, Vogel, Whitmore, Wilson, and Mr. Speaker—24.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 42—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

During third reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "lineal," in line 8, Section 1 of the printed bill.

Amendment adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 802 refused passage by the following vote:

AYES—Messrs. Berry, Birdsall, Chandler, Coghlan, Davis, Finney, Held, Hewitt, Johnson of Sacramento, Kohlman, Lucas, Lynch, McClellan, O'Brien, Otis, Percival, Sackett, Spaulding, Stetson, Wessling, and Whitmore—21.

NOES—Messrs. Barry, Baxter, Bell, Bishop, Bush, Campbell, Case, Cogswell, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Fratessa, Higgins, Jury, Kelly, Leeds, Lemon, Ludington, McKeon, McMullin, Root, Smith, Strobridge, Toomey, Transue, Vogel, Walsh, Wilson, Wyatt, and Mr. Speaker—33.

NOTICE OF MOTION TO RECONSIDER.

Mr. Baxter gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 802 was this day refused passage.

Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of school trustees and city boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 902 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Bush, Butler, Coghlan, Cornish, Cullen, Davis, Devlin, Estudillo, Finney, Fratessa, Hans, Hartmann, Held, John, Johnson of Sacramento, Kelly, Kohlman, Lucas, Ludington, McClellan, McKeon, McMullin, O'Brien, Otis, Pierce, Root, Sackett, Strohl, Strobridge, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—Messrs. Campbell, Chandler, Cogswell, Drew, Leeds, Lynch, Percival, Smith, and Spaulding—9.

Title read and approved.

Bill ordered transmitted to the Senate.

BILLS TRANSPOSED ON FILE.

Assembly Bill No. 386—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.

On motion of Mr. Weske, Assembly Bills Nos. 386 and 936 were transposed on file.

Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue, or lay out a road, and the effect thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 936 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fratessa, Hans, Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Root, Spaulding, Strobridge, Toomey, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—Mr. Held—1.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. Bishop asked for and was granted unanimous consent to withdraw Assembly Bill No. 993—An Act to provide for the classification of supervisors in counties of the fifteenth class, where they are not now classified, so that all of them shall not go out of office at the same time.

Bill withdrawn, and ordered stricken from the file.

Mr. Berry asked for and was granted unanimous consent to withdraw Assembly Bill No. 533—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 504—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 1 thereof, and by adding a new section, to be known as Section 18*a*.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 504 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fratessa, Hans, Held, Hewitt, John, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Spaulding, Stetson, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Whitmore asked for and was granted unanimous consent to withdraw Assembly Bill No. 881—An Act appropriating $4,500 to pay the claim of J. B. Lauck it being identical with Senate Bill No. 707, now in this House.

Assembly Bill No. 881 withdrawn, and ordered stricken from the file.

Senate Bill No. 707—An Act appropriating $4,500 to pay the claim of J. B. Lauck.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 707 finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Hans, Held, Hewitt, John, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Spaulding, Strohl, Strobridge, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 941—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 921 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hans, Held, Hewitt, John, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Root, Sackett, Spaulding, Strohl, Strobridge, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—Messrs. Barry and Kelly—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 971 passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hans, Held Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Root, Sackett, Spaulding, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Estudillo asked for and was granted unanimous consent to withdraw Assembly Bill No. 1011—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor—it being identical with Senate Bill No. 881, now in this House.

Assembly Bill No. 1011 withdrawn and ordered stricken from the file.

Senate Bill No. 881—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 881 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Berry, Bishop, Campbell, Case, Chandler, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hans, Held, Hewitt, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Root, Sackett, Spaulding, Strohl, Strobridge, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 592—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 592 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hans, Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Root, Sackett, Spaulding, Strobridge, Transue, Weske, Wessling, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1035—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to officers of a township.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1035 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Bishop, Case, Chandler, Cogswell, Coghlan, Cornish, Davis, Devlin, Drew, Estudillo, Fratessa, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Root, Sackett, Spaulding, Strobridge, Transue, Vogel, Walsh, Weske, Wessling, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1003—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

During third reading of bill, Mr. Johnson of Sacramento moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the words in lines 8 and 9 of Section 1, page 1, printed bill, "the county clerk of the county in which the land sought to be purchased is situated," and insert in lieu thereof the words "a county clerk."

Motion carried.

The Speaker appointed Mr. Johnson of Sacramento as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1003, with instructions, do now report that the instructions of the Assembly have been carried out.

JOHNSON of Sacramento, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and reëngrossment.

Assembly Bill No 981—An Act to amend the Penal Code by adding thereto a new section, to be numbered 515, relating to embezzlement by a co-owner or co-partner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 981 passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Cornish, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Root, Strobridge, Transue, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—41.

NOES—Messrs. Finney and Spaulding—2.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one ($1,621) dollars to pay the Regents of the University of California for moneys appropriated by them to rebuild the barn at the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of the State in relation thereto.

Bill read second time.

Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 291 and 567.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 291 and 567 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 291 and 567, and do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 780—An Act to amend Section 1619 of the Code of Civil Procedure, relating to the compensation of attorneys of executors and administrators for extraordinary services.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "thereof," in line 5, Section 1, page 1 of the printed bill, insert the words "on cloth."

Amendment adopted.

AMENDMENT No. 2.

On line 1, Section 2, page 2 of the printed bill, after the word "be," insert the following: "on cloth and be."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered $10\frac{1}{2}$.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 845—An Act to amend Section 3680 of the Political Code of the State of California, relating to sale of land for taxes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 600—An Act to create a commission on revenue and taxation to investigate the system of revenue and taxation in force in this State, and to formulate and regulate legislation for the revision and reform of the revenue laws, said commission to succeed and take the place of the present Commission on Revenue and Taxation, and to be composed of the Governor, the Controller, the chairman of the State Board of Equalization, all three ex officio, two members of the State Senate, and one member of the Assembly, and an expert on taxa-

tion and public finance; also authorizing the Governor to appoint said expert, and authorizing the Senate to appoint two members, to define the duties and powers of the commission, and making an appropriation therefor.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 600 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 600, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping and appropriating money therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "twenty," Section 2, on line 2, first page, printed bill, and inserting in lieu thereof the following: "sixteen."

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 786 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 786, and do now report the same back, and recommend that it do pass as amended.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 825—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522*a* thereof, relating to certification of the monthly statement by the secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 733—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title I*a*, relating to State schools of industry and reform for juvenile offenders.

During the third reading of the bill, Mr. Wyatt moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out after the word "title" in line 3, Section 1, page 1 of the printed bill, the characters "I*a*," and insert in lieu thereof the following: "III."

Also: Strike out the word "male," in line 8, all of line 9, and the word "female," in line 10, of Section 1648 of the body of the bill, on page 15 of the printed bill.

Also: Strike out the period after the word "institution," in line 9, Section 1651 of the body of the bill, on page 16 of the printed bill, and insert after said word "institution" the following: "until such minor attains the age of twenty-one years."

Also: Strike out the period at end of line 10, Section 1652 of the body of the bill, on page 16 of the printed bill, and insert after the last word of said line the following: "until such minor attains the age of twenty-one years."

Also: Strike out the word "eight," in line 4, Section 1654 of the body of the bill, on page 17 of the printed bill, and insert in lieu thereof the word "seven."

Also: Insert after the comma after the word "years," in line 4, Section 1654 of the bill, on page 17 of the printed bill, the following: "until such minors attain the age of twenty-one years."

Motion carried.

Mr. Wyatt was appointed such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 738, with instructions, do now report that the instructions of the Assembly have been carried out.

WYATT, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and on file for third reading.

Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil actions in justices' courts.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "he must issue a notice, stating when and where the," on line 14, and all of lines 15 and 16, Section 2, third page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

During third reading of the bill, Mr. O'Brien moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out in line 7 the word "and."
Also: By inserting in line 7 after the word "fourth" the words "and fifth"; also, in line 8, Section 1, strike out the words "fifth and."
Also: In line 8, Section 1, strike out the word "classes" and insert in lieu thereof the word "class."

Motion carried.

The Speaker appointed Mr. O'Brien as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 838, with instructions, do now report that the instructions of the Assembly have been carried out.

O'BRIEN, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and on file for third reading.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Conference concerning Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years—report that we have met a like committee of the Senate, consisting of Senators Belshaw, Keane, and Wolfe, and we report that the conference committee have agreed, and do now recommend that the Assembly do concur in Senate amendments Nos. 3, 6, 9, 11, 16, 18, 26, 38, 39, and 62 to said Assembly Bill No. 975, and that the Senate do recede from Senate amendments Nos. 22, 28, 48, 54, and 63 to said Assembly Bill No. 975.

ESTUDILLO,
Chairman of Committee on Conference of the Assembly.

SPECIAL ORDER SET.

On motion of Mr. Estudillo, Assembly Bill No. 975 was made a special order for Friday, March 8, 1907, immediately after the reading of the Journal.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CUTTEN, Chairman.

Senate Bill No. 651 ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 866, 867, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof,

all relating to civil actions in justices' courts--have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

WYATT, Chairman.

Senate Bill No. 212 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 17—Relative to the legislative power, and to certain reservations thereof by the people—have had the same under consideration, and respectfully report the same back, without recommendation.

WESKE, Chairman.

Assembly Constitutional Amendment No. 17 ordered on file for adoption.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 917—An Act to prohibit corrupt influencing of agents, employés, or servants.

Also: Senate Bill No. 633—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions, when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR SPEAKER: Your Committee on Mines and Mining, to whom was referred Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROOT, Chairman.

Senate Bill No. 624 ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways, for the fifty-eighth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ESTUDILLO, Chairman.

Senate Bill No. 873 ordered on file for second reading.

ADJOURNMENT.

At eleven o'clock and thirty-five minutes P. M., on motion of Mr. Walsh, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Friday, March 8, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Friday, March 8, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—72.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. Eshleman, Smyth, and Lynch.

PRAYER.

Prayer was offered by Rev. F. Schiverea.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Leeds, its further reading was dispensed with.

SPECIAL ORDERS.

The special orders heretofore set for consideration at this hour were taken up.

REPORT OF COMMITTEE ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Conference concerning Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years—report that we have met a like committee of the Senate, consisting of Senators Belshaw, Keane, and Wolfe, and we report that the conference committee have agreed, and do now recommend that the Assembly do concur in Senate Amendments Nos. 3, 6, 9, 11, 16, 18, 26, 38, 39, and 62 to said Assembly Bill No. 975, and that the Senate do recede from Senate Amendments Nos. 22, 28, 48, 54, and 63 to said Assembly Bill No. 975.

ESTUDILLO,
Chairman of Committee on Conference of the Assembly.

Mr. Estudillo moved that the report be adopted, and that the Assembly concur in the following Senate amendments to Assembly Bill No. 975:

On page 3, line 60 of printed bill, strike out the word "thirty-five," and insert in lieu thereof the word "fifty."

Also: On page 4, after line 108, insert the following: "For salary of expert to Board of Examiners, four thousand eight hundred dollars."

Also: On page 4, after line 117, insert the following: "For purchase from the Federal Government of photo lithographs, copies of topographical sheets gotten out under State and Government coöperation, to be sold at cost by the State, four thousand dollars."

Also: On page 10, line 325, strike out the word "four," and insert in lieu thereof the word "six."

Also: On page 5, after line 162, insert the following: "For repairs to Capitol building and furniture, exempt from Section 4 of this Act, five thousand dollars."

"For purchase of carpets and furniture, exempt from Section 4 of this Act, twelve thousand dollars."

Also: On page 6, line 179, strike out the word "five," and insert in lieu thereof the word "twelve."

Also: On page 13, line 438, strike out the word "thirty-five," and insert in lieu thereof the word "forty."

Also: On page 13, line 441, strike out the words "two thousand five hundred," and insert in lieu thereof the words "five thousand."

Also: On page 19, line 633, strike out the word "twenty-five," and insert in lieu thereof the word "forty."

Also: On page 21, insert after line 680 the following: "For support of the State Bureau of Criminal Identification, six thousand dollars."

The roll was called, and the report was adopted and Senate amendments to Assembly Bill No. 975 were concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—51.

NOES—None.

RESOLUTION.

By Mr. Estudillo:

WHEREAS, It has appeared to the Ways and Means Committee of this Assembly that the charges made by the State Printer's office of this State to the various departments and commissions for printed supplies have been considerably higher than in the opinion of members of the Ways and Means Committee is warranted under the circumstances, and in fact a general charge about three times higher than is charged for the same class of work in private establishments; be it therefore

Resolved, That the Speaker of the Assembly be and he is hereby authorized and empowered to appoint a committee of five members to examine into and report upon all matters in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printer's office; also to examine into and report upon the methods pursued by said State Printer in the purchase of supplies, equipment, and all necessary materials, with a view to ascertaining whether or not in the furnishing of such supplies and equipment the best interests of the State are subserved to the end that the Department of State Printing will be enabled to furnish supplies of printing, binding, ruling, etc., to the various departments of the State at a reasonable compensation, and at figures which will compare favorably with the charges made for like work by private institutions.

Resolved, That the said committee be, and it hereby is authorized and empowered to do any and all things necessary to have a full and complete investigation of the matters hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony. Members of said committee are, and each of them is, hereby authorized to administer oaths; and that all the provisions of Article VIII of Chapter II, Title I and Part III of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees thereof," applies to the committee appointed under this resolution, and the Sergeant-at-Arms of the Assembly is hereby authorized and directed to serve any and all subpœnas and orders or other process that may be issued by the chairman of the said committee when directed to do so by the chairman.

And be it further resolved, That said committee report the result of its investigations and recommendations to the thirty-eighth session of the California Legislature.

On motion, resolution was referred to the author for amendment.

MESSAGE FROM THE SENATE.

On motion, the following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from Senate Amendments Nos. 3, 6, 9, 11, 16, 18, 22, 26, 28, 38, 39, 48, 54, 62, and 63 to Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years—and have appointed Senators Belshaw, Wolfe, and Keane as a conference committee to meet a similar committee from the Assembly.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 642—An Act to amend Section 384*c* of the Penal Code, relating to the injuring of animals by persons hunting—report the same back, and recommend that it do pass.

Also: Senate Bill No. 458—An Act to amend Section 655 of the Civil Code, relating to the things in which property may exist—report the same back, and recommend that it do pass.

Also: Senate Bill No. 339—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands—report the same back, and recommend that it do pass.

Also: Senate Bill No. 287—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions—report the same back, and recommend that it do pass.

Also: Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County—report the same back, and recommend that it do pass.

Also: Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California fronting on the Bay of San Diego—report the same back, with recommendation that it do pass and be re-referred to the Committee on Ways and Means, as it carries an appropriation.

Also: Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title of real property partitioned by decree of court—report the same back, and recommend that it do pass.

Also: Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the rights of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same—report the same back, and recommend that it do pass.

Also: Senate Bill No. 854—An Act entitled "An Act to amend Section 737 of the Political Code, relating to salaries of superior judges"—report the same back, and recommend that it do pass.

Also: Senate Bill No. 802—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement—report the same back, and recommend that it do pass.

Also: Senate Bill No. 708—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring or setting adrift rafts or vessels—report the same back, and recommend that it do pass.

Also: Senate Bill No. 632—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act"—report the same back, and recommend that it do pass.

Also: Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section to be numbered Section 515, relating to embezzlement by co-owner or co-partner—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 960—An Act to add a new section to the Civil Code, to be designated and numbered Section 719, relating to leases of land for game purposes—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 973—An Act to amend section number 842 of the Code of Civil Procedure of the State of California, prescribing who may practice in the justices' courts of this State—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 994—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 476*a*, relating to the making, drawing, uttering or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 992—An Act entitled "An Act to amend Section 948 of the Code of Civil Procedure, relating to undertakings on appeal"—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 950—An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 647—An Act to prevent the manufacture and sale of thread of cotton, linen and silk, where such is not labeled as to its correct yardage and weight—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 660—An Act to add a new section to the Civil Code to be numbered Section 365 and relating to contributions of corporate funds for political purposes—report the same back, and recommend that it do pass.

Also: Assembly Bill No. 286—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas—report the same back, and recommend that it do pass.

JOHNSON of Sacramento, Chairman.

The above reported bills, with the exception of Senate Bill No. 61, ordered on file for second reading.

Senate Bill No. 61 referred to Committee on Ways and Means.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 447—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains.

Assembly Bill No. 693—An Act to amend Section 2165*a* of the Political Code of the State of California, relating to actions and suits on account of acts and omissions in the discharge of official duty.

HANS, Chairman.

The above reported reëngrossed bills were ordered on file for passage.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 451—An Act to give permanency to the decisions of the Supreme Court.

Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

Assembly Bill No. 986—An Act to protect all citizens in their civil and legal rights and to fix a penalty for violation thereof.

Assembly Bill No. 621—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising for medical purposes.

Assembly Bill No. 1036—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Assembly Bill No. 1037—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Assembly Bill No. 763—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 69—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.

Assembly Bill No. 13—An Act to provide for taking down the Agricultural Pavilion, now located in Capitol Park, in the City of Sacramento, moving the material therein to Agricultural Park, near the City of Sacramento, and erecting in said park from said material, and such additional material as may be necessary, two exhibition buildings, to be known as Agricultural Pavilion and Manufacturers Pavilion, respectively, and appropriating money therefor.

Assembly Bill No. 785—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.

Assembly Bill No. 663—An Act to amend Section 608 of the Penal Code, and to add three new sections thereto, to be numbered 608*a*, 608*b*, and 608*c*, all relating to the burning, injuring or setting adrift rafts or vessels.

Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Assembly Bill No. 788—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114*a*, 114*b* and 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Assembly Bill No. 713—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751¾, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.

Assembly Bill No. 712—An Act appropriating $1500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Assembly Bill No. 222—An Act to amend Section 10 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, providing for the disposition of pension moneys belonging to deceased members.

Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Assembly Joint Resolution No. 7—Relative to the mining interests of the State of California.

Assembly Bill No. 566—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.

Assembly Bill No. 409—An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.

Assembly Bill No. 107—An Act to provide for a topographical survey in the San Joaquin Valley, of Tulare Lake and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.

Assembly Bill No. 456—An Act to repeal Article XVI, of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 419, 420, 447, 448, 449 and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Assembly Bill No. 801—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.

Assembly Bill No. 659—An Act to provide for the change of name of high school districts and union high school districts and the manner of making such change.

Assembly Bill No. 894—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349*a*, relating to books or records of any bank, banker, trust company or savings and loan society that have been lost or destroyed by conflagration, earthquake or other public calamity, and prescribing a time within which certain actions shall be commenced.

Assembly Bill No. 893—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up pass-book or bank-book or to statements of his deposit account within a certain time or be concluded thereby.

Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients, to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges and milestones thereon.

Assembly Bill No. 271—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent fund at State hospitals.

Assembly Bill No. 144—An Act to provide for making repairs and for additional equipment at the State Normal School of San Diego, and making an appropriation therefor.

Assembly Bill No. 549—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creating, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905.

Assembly Bill No. 461—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.

Assembly Bill No. 844—An Act to repeal Title XVI, of Part IV, of Division I, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.

Assembly Bill No. 638—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit: Twenty-sixth Street from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Assembly Bill No. 700—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered Section 1271*a*, relating to the subject of escheated estates.

Assembly Bill No. 697—An Act transferring money from the General Fund to the Adult Blind Fund to meet a deficiency in said Adult Blind Fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind, in Oakland, and directing the State Controller and State Treasurer to make such transfer.

Assembly Bill No. 517—An Act to provide for permanently draining Lake Earl, in Del Norte County, and making an appropriation therefor.

Assembly Bill No. 891—An Act to add a new section to the Political Code, to be numbered Section 1671*a*, relating to the issue of bonds for the support of county high schools.

Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.

Assembly Bill No. 784—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.

Assembly Bill No. 156—An Act to amend an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1901.

Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Assembly Bill No. 543—An Act to amend Section 1874 of the Political Code, relating to duties of the text-book committee.

Assembly Bill No. 512—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.

Assembly Bill No. 266—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 17, 20, 22, 35, 47, 56, 57, and 60, and by adding a new section, to be known as Section 55*a*.

Assembly Bill No. 352—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.

Assembly Bill No. 415—An Act providing that in any city of the first class or city and county in this State where, by general law or by charter, the board of police commissioners of such city, or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Assembly Bill No. 455—An Act providing that, in any city or city and county in this State where, by general law or by charter, the board of police commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Assembly Bill No. 19—An Act to add a new section to the Penal Code of the State of California, to be known and designated as Section 1247, relating to the transcription of testimony taken at the trial of a criminal case.

Assembly Bill No. 674—An Act to amend Sections 10, 11, 12, 13 and 14 of an Act entitled "An Act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence, approved February 26, 1903, as amended by Sections 11, 12, 13, 14 and 15 of an Act amendatory of the same," approved March 22, 1905.

And were presented to the Governor March 7, 1907, at four o'clock P. M.

HANS, Chairman.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAMMON, Chairman.

Senate Bill No. 872 referred to Committee on Ways and Means.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 470—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities

to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

Senate Bill No. 470 ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ESTUDILLO, Chairman.

Senate Bill No. 872 ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 5—Relative to establishment of a military post at or near San Pedro, California.

Also: Senate Joint Resolution No. 3—Relative to House Resolution No. 7017, now pending in Congress, providing for transfer of the jurisdiction over certain National Parks in California from the Department of Interior to the Department of Agriculture.

Also: Senate Joint Resolution No. 10—Relative to the modification of rules regarding issuance of patents to mining claims.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

COGHLAN, Chairman.

The above reported joint resolutions ordered on file for adoption.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888*a*, relating to the levy of taxes for the payment of school district bonds—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass, as amended.

SACKETT, Chairman.

Senate Bill No. 103 ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361*a*, and to amend Section 1367 of the Political Code, in relation to primary elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STETSON, Chairman.

Senate Bill No. 829 ordered on file for second reading.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 660—An Act to amend Sections 3804 and 3805 of the Political Code, relating to the refunding of taxes and the cancellation of certificates of tax sales—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Senate Bill No. 660 ordered on file for second reading.

SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your committee, the San Francisco Delegation, to whom was referred Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

STROHL, Chairman.

Senate Bill No. 812 re-referred to Committee on Commerce and Navigation.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting, and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Also: Senate Bill No. 909—An Act relating to high schools, and providing for their support by the State of California.

Also: Committee Substitute for Senate Bill No. 699—An Act making an appropriation to the State Agricultural Society to encourage agricultural exhibits and fairs in the State of California.

Also: Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for coöperation in certain investigations by such board with the Interstate Commerce Commission.

Also: Senate Bill No. 559—An Act to amend Section 396 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also: Senate Bill No. 539—An Act making an appropriation of $915 to pay the claim of Southern Construction Company for the grading of Campus Avenue at the State Normal School, San Diego, California.

Also: Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also: Assembly Bill No. 748—An Act making an appropriation of $2,900 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Also: Assembly Bill No. 786—An Act to amend the Political Code, by adding thereto a new section to be numbered 419*a*.

Also: Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.

Also: Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

Also: Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California.

Also: Assembly Bill No 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States army or navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other state, or of the United States Army, Navy, Marine Corps or Revenue Service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.

Also: Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals, and to provide for their compensation.

Also: Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Also: Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation thereof.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as cases of urgency:

Senate Bill No. 944—An Act making an appropriation for the purchase of a site and the erection thereon of suitable buildings for an intermediate prison, and providing for a commission to purchase said site.

Also: Senate Bill No. 879—An Act to add a new section to the Penal Code of the State of California to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day receded from Senate Amendment No. 2 to Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties, and compensation of a secretary of said school.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 628—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.

Also: Senate Bill No. 662—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward and for the treatment of acute cases by hydrotherapy and electricity.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from Senate amendments to Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other

works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905—and have appointed Senators Boynton, Cartwright, and Sanford a conference committee to meet a similar committee from the Assembly.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from Senate amendments to Assembly Bill No. 825—An Act to amend Section 396 of the Code of Civil Procedure, relating to place of trial in civil actions—and has appointed Senators Belshaw, Leavitt, and Savage as a conference committee to meet a similar committee from the Assembly.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day appointed Senators Caminetti, Belshaw, and Anderson a conference committee to meet a similar committee from the Assembly for the consideration of Assembly amendments to Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, the following:

Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Also: Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Also: Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county, and city and county, school tax.

Also: Assembly Bill No. 152—An Act to amend Section 753 of the Political Code relating to disposition of fees of Clerk of the Supreme Court.

Also: Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Also: Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Also: Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation, and of providing funds for said purposes.

Also: Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 940 read first time, and referred to Committee on Judiciary.

Senate Bill No. 909 read first time, and referred to Committee on Education.

Committee Substitute for Senate Bill 699 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 910 read first time, and referred to Committee on Judiciary.

Senate Bill No. 559 read first time, and referred to Committee on Judiciary.

Senate Bill No. 539 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 944 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 879 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 855, 748, 779, 786, 846, 582, 987, 58, 55, 446, 561, 649, 51, 54, 53, and 628 were ordered to enrollment.

CONSIDERATION OF SENATE AMENDMENTS.

Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 882?"

SENATE AMENDMENT.

After the last word in Subdivision 5, page 2, insert the following:

"6. If the town wherein such board of fire commissioners has been appointed shall afterwards become a municipal corporation under the laws of the State of California, such board of fire commissioners shall have the power and it shall be their duty to transfer and convey to such municipal corporation any property which it shall have acquired under the provisions of this Act."

The roll was called, and Senate amendment to Assembly Bill No. 882 was concurred in by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Costar, Cullen, Davis, Drew, Estudillo, Fisher, Forbes, Hans, Hartmann Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Assembly Bill No. 882 ordered to enrollment.

Assembly Bill No. 934—An Act to add a new section to the Political Code, to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 934?"

SENATE AMENDMENTS.

Amend Section 1, line 20, page 2 of the printed bill, by inserting in line 20, after the word "recorded," the following: "prior to the close of said registration."

Also: On page 1, Section 1, line 3, printed bill, strike out the word "Section."

Also: On page 1, Section 1, line 3, printed bill, insert after the word "registering" the following: "and of transferring registration."

Also: On page 2 strike out the semicolon after the word "registration," on line 16, Section 1, and all the following down to and including line 28, Section 2, and insert in lieu thereof the following:

In case any elector shall have declined to designate or shall have changed his political affiliation prior to the close of registration for primary elections, he is entitled

to have such change recorded upon application to the county clerk or registrar of voters. In case any elector shall have declined to designate or shall have changed his political affiliations prior to the close of registration, he may appear in person before the county clerk or registrar of voters, at the office of the county clerk or registrar of voters, and not elsewhere, and make affidavit substantially in the following form:

STATE OF CALIFORNIA, } ss.
COUNTY OF ..... }

....., being duly sworn, deposes and says that he is registered on the great register of the said county of ..... as a ..... (insert former party affiliation, or that he had declined to designate his party affiliation); that since the date of such registration he has changed his political views, and in good faith declares his affiliation with the ..... party.

Subscribed and sworn to before me, this ..... day of ....., 190...

The county clerk or registrar of voters shall take such affidavit without charge and file the same. Nothing in this section shall be construed to prevent any elector, who has registered before this Act takes effect, from voting at such primary election.

Also: On page 2, Section 3, line 1, printed bill, strike out the figure "3," and insert in lieu thereof the following: "2."

Also: On page 2, Section 3, lines 1 and 2, printed bill, strike out the words "from and after the first day of January, 1908," and insert in lieu thereof the following: "thirty-five days after its passage."

The roll was called, and Senate amendments to Assembly Bill No. 934 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cutten, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Johnson of Sacramento, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Assembly Bill No. 934 ordered to enrollment.

Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county, and city and county, school tax.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 799?"

SENATE AMENDMENTS.

Amend by striking out of line 26 of the bill, as amended February 28, the word "seven," and inserting in lieu thereof the following: "eight."

Also: On lines 26 and 28, page 2 of the printed bill, strike out the word "eight," and in lieu thereof insert the word "seven."

The roll was called, and Senate amendments to Assembly Bill No. 799 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Cornish, Cullen, Davis, Drew, Fisher, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Assembly Bill No. 799 ordered to enrollment.

Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 152?"

SENATE AMENDMENT.

On page 1, Section 1, line 3, strike out the word "Section."

The roll was called, and Senate amendment to Assembly Bill No. 152 was concurred in by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Fisher, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Sackett,

Stanton, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—46.
NOES—None.

Assembly Bill No. 152 ordered to enrollment.

Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 557?"

SENATE AMENDMENTS.

Amend by striking out the word "seventy-five," on line 88, fourth page, printed bill, and inserting in lieu thereof the following: "sixty-five."

Also: Amend by striking out the words "and fifty," on line 87, fourth page, printed bill.

The roll was called, and Senate amendments to Assembly Bill No. 557 were concurred in by the following vote:

AYES—Messrs. Barry, Beban, Bishop, Boyle, Bush, Butler, Campbell, Cogswell' Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes' Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento' Johnson of San Diego, Jury, Leeds, Lucas, Lynch, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Thompson of San Francisco, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Assembly Bill No. 557 ordered to enrollment.

Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 866?"

SENATE AMENDMENTS.

On page 2, Section 1, lines 15 and 16, printed bill, strike out the word "There," on line 15, and all down to and including the period on line 26.

Also: On page 2, Section 1, lines 39 and 40, printed bill, strike out the words "and affidavit."

Also: On page 3, Section 2, lines 8 and 9, printed bill, strike out the comma, and the words "which statement shall be verified by his oath."

Also: On page 5, Section 5, line 12, printed bill, strike out the words "or affidavit."

Also: On page 5, Section 5, line 13, printed bill, strike out the words "or affidavit."

Also: On page 5, Section 5, line 24, printed bill, strike out the words "and affidavit."

Also: On page 6, Section 9, lines 1 to 3, printed bill, strike out the words "any person who shall wilfully and knowingly swear falsely any of the oaths, shall be guilty of perjury, and."

Also: On page 6, Section 9, line 4, printed bill, strike out the word "other."

Also: On page 7, Section 9, line 5, printed bill, strike out the words "all persons guilty of either of these crimes shall."

The roll was called, and Senate amendments to Assembly Bill No. 866 were concurred in by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Thompson of San Francisco, Weske, Whitmore, Wyatt, and Mr. Speaker—53.
NOES—None.

Assembly Bill No. 866 ordered to enrollment.

Assembly Bill No. 138—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation, and of providing funds for said purposes.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 138?"

SENATE AMENDMENTS.

Strike out the title and insert in lieu thereof the following: "An Act to amend Sections 2748, 2749, 2754, 2760, and 2771 of the Political Code, to repeal Section 2761 thereof, and to add two new sections thereto, to be numbered 2771½ and 2773, relating to permanent road divisions."

Also: Strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. Section two thousand seven hundred and forty-eight of the Political Code is hereby amended to read as follows:

2748. Such petition shall be presented at a regular meeting of the board of supervisors or at a special meeting called to receive and consider the same, and shall be published at least once a week for three successive weeks in a newspaper published in the county before the time at which it is to be presented; together with a notice stating the time of the meeting at which the board will be asked to consider the petition, which time shall not be more than ten days after the last publication of the petition and notice.

SEC. 2. Section two thousand seven hundred and forty-nine of said Code is hereby amended to read as follows:

2749. On the day named in the notice the board shall hear the petition and may adjourn such hearing from time to time, but not longer than one month in all. On the final hearing they may make such changes in the boundaries of the proposed road division as they may find to be proper and shall define and establish such boundaries; but such changes shall not include any territory outside of the boundaries described in the petition, until the board has given at least fifteen days' notice of its intention to include such territory in such road division. Such notice shall be given by publication at least once a week for three successive weeks in a paper published in the county, and by leaving a copy thereof at each place of abode in said territory.

SEC. 3. Section two thousand seven hundred and fifty-four of said Code is hereby amended to read as follows:

2754. When a special tax is petitioned for the board of supervisors shall immediately order an election within such road division to determine whether the same shall be levied; and the board may in its discretion submit to the electors at such election the question whether the balance of the estimated cost of the proposed work shall be raised by a special tax in one, two, or three successive years, raising an equal amount each year. Such election must be called by posting notices not more than one mile apart, and not less than three such notices, along the road or roads proposed to be improved or constructed, at least fifteen days before the election, and by publishing the same at least once a week for three successive weeks in a newspaper published in the county.

SEC. 4. Section two thousand seven hundred and sixty of said Code is hereby amended to read as follows:

2760. If the petition mentioned in Section 2751 of this Code asks for the issuance of bonds the supervisors shall call an election in such road division and submit to the electors thereof the question whether the bonds of the division shall be issued. Such election must be called by posting notices not more than one mile apart and not less than three such notices, along the road or roads proposed to be constructed or improved, at least fifteen days before the election, and by publishing the same at least once a week for three successive weeks in a newspaper published in the county. The supervisors shall in such notice designate the polling place or places and define the boundaries of the election districts, but no election precinct shall be part in one and part in another of such districts.

SEC. 5. Section two thousand seven hundred and seventy-one of said Code is hereby amended to read as follows:

2771. Any money remaining after the completion of the work contracted for shall remain in the fund of the road division and shall be expended only in maintaining the roads of such division. On the payment of the debts of the division or on the failure at two successive elections to vote a special tax or bonds for any proposed work such road division shall cease to exist as a permanent road division; *provided*, that the second election for a special tax or bond issue shall be held not less than six months nor later than one year after the election at which a special tax or bond issue has been defeated.

SEC. 6. Section 2761 of said Code is hereby repealed.

SEC. 7. A new section is hereby added to said Code, to be numbered two thousand seven hundred and seventy-one and a half, and to read as follows:

2771½. All publications required to be made in the proceedings for the formation of a permanent road division, or the elections or other proceedings had therein, shall be published in a newspaper published within such road division if any paper is published

therein; if there is no paper published within such road division, such publication shall be made in a paper published within the county and deemed by the supervisors most likely to give notice to the residents of the road division. One publication each week for three successive weeks shall be a sufficient publication under this Act, including any publication under proceedings commenced but not concluded before this Act takes effect.

SEC. 8. A new section is hereby added to said Code, to be numbered two thousand seven hundred and seventy-three, and to read as follows:

2773. This Act is intended to furnish an alternative method for accomplishing the road construction and improvement provided for therein, and does not repeal, modify, or abridge any other Act or Acts having for their object the construction or improvement of roads, streets, or other public highways not within the boundaries of a municipal corporation.

The roll was called, and Senate amendments to Assembly Bill No. 138 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Cornish, Costar, Davis, Devlin, Drew, Estudillo, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Thompson of Los Angeles, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Assembly Bill No. 138 ordered to enrollment.

Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 106?"

SENATE AMENDMENTS.

Amend Section 2, page 2, at end of line 8, by striking out the period, and inserting: "or other competent authority."

Also: Amend Section 9, page 5, lines 20*a*, 21, 22, and 23, by striking out the following: "or that of any member of his immediate family, nor on lands belonging to any person or corporation of whom he is an employé at the time when such service is rendered," and inserting after said word "land," in line 20*a*, "period."

Also: Substitute for Section 12:

"The State Forester may, at the expense of the State, cause to have cut and removed all brush, grass, and inflammable material from the rights of way occupied by county roads in the several counties of the State. The State Board of Forestry may coöperate with all lumber companies, corporations or individuals, in an effort to destroy slashings—that is, the tops, limbs, and general débris left after lumbering—so as to minimize danger from fire."

Also: Substitute for Section 13:

"The board of supervisors of the county may pay, or cause to be paid, such share of the expense incurred by the State in the maintaining of fire patrols or in the payment of salaries and expense of district fire wardens, or in the payment of persons called out by a fire warden to fight fire, as provided in Section 9 of this Act, as it may think just; *provided, however*, that where any expense is incurred by the State for the purposes aforesaid, that such board shall pay such sum or sums as may be agreed between such board or its agents and the State Board of Forestry, or any one acting in its behalf."

Also: Amend Section 14 by striking out of lines 6, 7, and 8, page 7, the words "recovered from counties in payment of their share of the expenses provided for in this Act, all moneys recovered under the provisions of Section 12 of this Act," and insert "voluntarily paid by counties."

The roll was called, and Senate amendments to Assembly Bill No. 106 were concurred in by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Drew, Estudillo, Fratessa, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullen, O'Brien, Otis, Pierce, Sackett, Spaulding, Stanton, Thompson of Los Angeles, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

NOES—None.

Assembly Bill No. 106 ordered to enrollment.

Mr. Whitmore moved that consideration of Senate amendment to Assembly Bill No. 876 be now taken up.

Motion carried.

Assembly Bill No. 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 876?"

SENATE AMENDMENT.

On page 13, Section 21, line 8, strike out the word "Untied," and insert in lieu thereof the word "United."

The roll was called, and Senate amendment to Assembly Bill No. 876 was concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Case, Cogswell, Cornish, Costar, Cullen, Drew, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Assembly Bill No. 876 ordered to enrollment.

REQUESTS FOR INTRODUCTION OF BILLS.

The following petitions asking permission to introduce bills out of order were offered:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: Relative to the appointment of a joint committee on revision of the rules.

ESTUDILLO,
Member Seventy-eighth Assembly District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: A concurrent resolution relative to absence from the State of Grove L. Johnson, et al.

LEEDS,
Member Seventieth Assembly District.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments asks permission to introduce the accompanying constitutional amendment, the title of which reads as follows, viz: A proposed constitutional amendment amending Article XI, Section 2 of the Constitution, relating to the formation of new counties.

WESKE, Chairman.

The petitions were referred to Committee on Introduction of Bills.

RESOLUTIONS.

The following resolutions were submitted:
Mr. Chandler:

Resolved, That the name of Jack Williams be dropped from the pay-roll from and after January 13, 1907.

Resolution read and, on motion, adopted.
By Mr. Bishop:

Resolved, That John P. Spaulding be and is hereby transferred from the position of Assistant Engrossing and Enrolling Clerk to the position of Assistant History Clerk, at the same per diem.

Resolution read and, on motion, adopted.
By Mr. Lucas:

Resolved, That Ed J. Smith, History Clerk, and Geo. T. Berry, Assistant History Clerk, be and they are hereby allowed that compensation provided for in Section 269 of the Political Code of the State of California, said compensation being payable out of the appropriation for the Contingent Fund of the Assembly, for services to be rendered by them under the provisions of Section 261 of said Political Code, in conjunction with the Chief Clerk and the Assistant Clerk of the Assembly.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Assembly Bill No. 523—An Act to add a new section to the Civil Code, to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 523 refused passage by the following vote:

AYES—Messrs. Birdsall, Forbes, Hans, Johnson of Sacramento, McKeon, McMullin, Percival, and Sackett—8.

NOES—Messrs. Barry, Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hartmann, Held, Hewitt, John, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, O'Brien, Otis, Pierce, Pyle, Root, Spaulding, Stetson, Strohl, Thompson of San Francisco, Toomey, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

RECESS.

At twelve o'clock and forty-five minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker R. L. Beardslee in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code,

and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

THOMPSON of Los Angeles, Chairman.

On motion of Mr. Thompson of Los Angeles, Senate Bill No. 811 was taken up for consideration.

Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township governments.

During second reading of bill, the following amendments were submitted by the committee:

COMMITTEE AMENDMENT No. 1.

Amend by striking out of the printed bill, as amended in the Senate, on pages 5 to 85, inclusive, the whole of Sections 4006 to 4226, inclusive, of the body of the bill, and inserting in lieu thereof the following:

4006. For the purpose of regulating the compensation of all officers herein provided for, the several counties of this state are hereby classified, according to their population (as ascertained and determined in section four thousand and five *c*), as follows, to wit:

All counties containing a population of three hundred thousand and over shall belong to and be known as counties of the first class.

Counties containing a population of one hundred and fifty thousand and under three hundred thousand shall belong to and be known as counties of the second class.

Counties containing a population of one hundred thousand and under one hundred and fifty thousand shall belong to and be known as counties of the third class.

Counties containing a population of fifty thousand and under one hundred thousand shall belong to and be known as counties of the fourth class.

Counties containing a population of forty thousand and under fifty thousand shall belong to and be known as counties of the fifth class.

Counties containing a population of thirty-eight thousand and under forty thousand shall belong to and be known as counties of the sixth class.

Counties having a population of thirty-six thousand and under thirty-eight thousand shall belong to and be known as counties of the seventh class.

Counties having a population of thirty-five thousand four hundred and under thirty-six thousand shall belong to and be known as counties of the eighth class.

Counties having a population of thirty-five thousand and under thirty-five thousand four hundred shall belong to and be known as counties of the ninth class.

Counties having a population of twenty-seven thousand four hundred and under thirty-five thousand shall belong to and be known as counties of the tenth class.

Counties having a population of twenty-seven thousand and under twenty-seven thousand four hundred shall belong to and be known as counties of the eleventh class.

Counties having a population of twenty-four thousand and under twenty-seven thousand shall belong to and be known as counties of the twelfth class.

Counties having a population of twenty-one thousand and under twenty-four thousand shall belong to and be known as counties of the thirteenth class.

Counties having a population of twenty thousand and under twenty-one thousand shall belong to and be known as counties of the fourteenth class.

Counties having a population of nineteen thousand five hundred and under twenty thousand shall belong to and be known as counties of the fifteenth class.

Counties having a population of nineteen thousand and under nineteen thousand five hundred shall belong to and be known as counties of the sixteenth class.

Counties having a population of eighteen thousand five hundred and under nineteen thousand shall belong to and be known as counties of the seventeenth class.

Counties having a population of eighteen thousand two hundred and under eighteen thousand five hundred shall belong to and be known as counties of the eighteenth class.

Counties having a population of eighteen thousand and under eighteen thousand two hundred shall belong to and be known as counties of the nineteenth class.

Counties having a population of seventeen thousand eight hundred and under eighteen thousand shall belong to and be known as counties of the twentieth class.

Counties having a population of seventeen thousand five hundred and under seventeen thousand eight hundred shall belong to and be known as counties of the twenty-first class.

Counties having a population of seventeen thousand three hundred and under seventeen thousand five hundred and fifty shall belong to and be known as counties of the twenty-second class.

Counties having a population of seventeen thousand and under seventeen thousand three hundred shall belong to and be known as counties of the twenty-third class.

Counties having a population of sixteen thousand seven hundred and fifty and under seventeen thousand shall belong to and be known as counties of the twenty-fourth class.

Counties having a population of sixteen thousand five hundred and under sixteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-fifth class.

Counties having a population of sixteen thousand four hundred and seventy-five and under sixteen thousand five hundred shall belong to and be known as counties of the twenty-sixth class.

Counties having a population of sixteen thousand and under sixteen thousand four hundred and seventy-five shall belong to and be known as counties of the twenty-seventh class.

Counties having a population of fifteen thousand seven hundred and fifty and under sixteen thousand shall belong to and be known as counties of the twenty-eighth class.

Counties having a population of fifteen thousand and under fifteen thousand seven hundred and fifty shall belong to and be known as counties of the twenty-ninth class.

Counties having a population of fourteen thousand and under fifteen thousand shall belong to and be known as counties of the thirtieth class.

Counties having a population of thirteen thousand and under fourteen thousand shall belong to and be known as counties of the thirty-first class.

Counties having a population of twelve thousand and under thirteen thousand shall belong to and be known as counties of the thirty-second class.

Counties having a population of eleven thousand one hundred and seventy-five and under twelve thousand one hundred shall belong to and be known as counties of the thirty-third class.

Counties having a population of eleven thousand one hundred and fifty and under eleven thousand one hundred and seventy-five shall belong to and be known as counties of the thirty-fourth class.

Counties having a population of eleven thousand and under eleven thousand one hundred and fifty shall belong to and be known as counties of the thirty-fifth class.

Counties having a population of ten thousand and under eleven thousand shall belong to and be known as counties of the thirty-sixth class.

Counties having a population of nine thousand seven hundred and fifty and under ten thousand shall belong to and be known as counties of the thirty-seventh class.

Counties having a population of nine thousand five hundred and under nine thousand seven hundred and fifty shall belong to and be known as counties of the thirty-eighth class.

Counties having a population of nine thousand and under nine thousand five hundred shall belong to and be known as counties of the thirty-ninth class.

Counties having a population of eight thousand seven hundred and fifty and under nine thousand shall belong to and be known as counties of the fortieth class.

Counties having a population of eight thousand and under eight thousand seven hundred and fifty shall belong to and be known as counties of the forty-first class.

Counties having a population of seven thousand and under eight thousand shall belong to and be known as counties of the forty-second class.

Counties having a population of six thousand five hundred and under seven thousand shall belong to and be known as counties of the forty-third class.

Counties having a population of six thousand two hundred and fifty and under six thousand five hundred shall belong to and be known as counties of the forty-fourth class.

Counties having a population of six thousand and under six thousand two hundred and fifty shall belong to and be known as counties of the forty-fifth class.

Counties having a population of five thousand five hundred and under six thousand shall belong to and be known as counties of the forty-sixth class.

Counties having a population of five thousand one hundred and under five thousand five hundred shall belong to and be known as counties of the forty-seventh class.

Counties having a population of five thousand and under five thousand one hundred shall belong to and be known as counties of the forty-eighth class.

Counties having a population of four thousand seven hundred and under five thousand shall belong to and be known as counties of the forty-ninth class.

Counties having a population of four thousand six hundred and under four thousand seven hundred shall belong to and be known as counties of the fiftieth class.

Counties having a population of four thousand five hundred and under four thousand six hundred shall belong to and be known as counties of the fifty-first class.

Counties having a population of four thousand three hundred and eighty and under four thousand five hundred shall belong to and be known as counties of the fifty-second class.

Counties having a population of four thousand two hundred and under four thousand three hundred and eighty shall belong to and be known as counties of the fifty-third class.

Counties having a population of four thousand and under four thousand two hundred shall belong to and be known as counties of the fifty-fourth class.

Counties having a population of two thousand two hundred and under four thousand shall belong to and be known as counties of the fifty-fifth class.

Counties having a population of two thousand and under two thousand two hundred shall belong to and be known as counties of the fifty-sixth class.

Counties having a population of under two thousand shall belong to and be known as counties of the fifty-seventh class.

4006*a*. Counties created or organized after July 1, 1907, shall immediately come under and be governed by the provisions of this title so far as the same are applicable thereto. When the population of any existing county shall have been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank first assumed hereunder, it shall be the duty of the board of supervisors of such county to designate by order the class to which such county has been reduced by reason thereof, and such county shall thereafter enter the list of such class; *provided*, that the salary of county officers shall not be affected by reason of such division of the county or order of the board, for the term for which they were elected and qualified. In any newly created county, for the purpose of fixing the salaries and fees of county and township officers, the board of supervisors of such new county shall classify such new county according to the population thereof. In each case the population shall be numerically fixed, and when so fixed shall be certified to the secretary of state by the board fixing the same.

4007. Whenever a new federal census is taken, the counties on the first day of July following the session of the legislature next thereafter, are, by operation of law, classified under such census.

CHAPTER III.

CLASSIFICATION AND ELECTION OF OFFICERS.

ARTICLE I. County Officers.
II. Township Officers.
III. Consolidation of Offices.
IV. Elections for and Qualifications of Officers.

ARTICLE I.

COUNTY OFFICERS.

4013. The officers of a county are:
1. A District Attorney;
2. A Sheriff;
3. A County Clerk;
4. An Auditor;
5. A Treasurer;
6. A Recorder;
7. A License Collector;
8. A Tax Collector, who shall be ex-officio License Collector;
9. An Assessor;
10. A Superintendent of Schools;
11. A Public Administrator;
12. A Coroner;
13. A Surveyor;
14. Members of the Board of Supervisors;
15. A Live Stock Inspector;
16. A Fish and Game Warden.
17. Such other officers as may be provided by law.

ARTICLE II.

TOWNSHIP OFFICERS.

Section 4014. Officers of township.
4015. Supervisors shall divide counties into townships.
4016. This article not to affect incumbent.

4014. The officers of a township are, two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities in which city justices or recorders are elected there shall be but one justice of the peace, and in townships having a population of less than five thousand, there shall be but one justice of the peace and one constable; *provided however*, that in townships containing a population of more than one hundred thousand and less than three hundred thousand there shall be four justices of the peace and four constables. Upon the approval of this title the board of supervisors must appoint competent persons to fill the additional offices of justices of the peace and constables by this section created.

4015. The board of supervisors of each county, as public convenience may require, shall divide their respective counties into townships for the purpose of electing justices of the peace and constables; *provided, however*, that in the establishment of townships that may be hereafter established no incorporated city shall be divided so as to lie partly within one township and partly within another.

4016. The provisions of this article shall not affect any incumbent of the office of justice of the peace or constable.

ARTICLE III.

CONSOLIDATION OF OFFICES.

Section 4017. Offices, and how may be consolidated.
4018. Consolidated offices, separated how.
4019. Officer filling consolidated offices, duty of.
4020. Each office filled by election, when.

4017. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this title, the duties of certain of the officers mentioned in section four thousand and thirteen are hereby consolidated, as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; assessor and tax collector; public administrator and coroner.

4018. In counties where the duties of said officers have been, or may hereafter be, consolidated in any manner designated in the preceding section, the board of supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby.

4019. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation of the offices consolidated.

4020. When there is an omission by the board of supervisors to consolidate and to advertise the consolidation of offices as in this article authorized, each office not so consolidated must be filled by an election.

ARTICLE IV.

ELECTION FOR AND QUALIFICATION OF OFFICERS.

Section 4021. Officers, when elected.
4022. Official bonds.
4023. Who is eligible to county and local offices.
4024. Appointment of deputies.
4025. Registers, indexes, etc.
4026. Canvass of elections.

4021. All elective county and township officers, except otherwise provided for in this title, and by law, shall be elected at the general election at which the governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election. All officers elected under the provisions of this title shall hold office until their successors are elected or appointed and qualified. Supervisors shall be elected at the general election prior to expiration of the term of the incumbent. The supervisors of any county created after the first day of July, nineteen hundred and seven, shall, within six months after the first general election succeeding the creation of such county, classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greater number shall expire in two years from such general election, and the term of office of the class having the lesser number shall terminate in four years from such general election.

4022. The board of supervisors of each county shall, on or before the first Monday in September, preceding the election of the following officers, prescribe the amount in which said officers must execute official bonds: Treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, surveyor, superintendent of schools, public administrator, coroner, justice of the peace and constable. The judge or judges of the superior court shall, on or before the said first Monday of September, prescribe the amount in which each member of the board of supervisors must execute an official bond before entering upon the discharge of the duties of his office. The bonds and sureties of such officers must, before the bonds can be recorded and filed, be approved by the judge, or judges, if there be more than one, of the superior court. All persons offered as sureties on official bonds may be examined on oath touching their qualifications, and no person can be admitted as surety on any such bond unless he is a resident and freeholder or householder within the state, and is worth in real or personal property, or both, situate in this state, the amount of his undertaking, over and above all sums for which he is already liable, exclusive of property exempt from execution and forced sale. All official bonds shall be recorded in the office of the county recorder, and then filed and kept in the office of the county clerk. The official bond of the county clerk shall, after being recorded, be filed and kept in the office of the county treasurer. The tax collector shall also before qualifying give a bond as license collector in such sum as may be fixed by the board of supervisors, to be approved as provided in this section.

4023. No person is eligible to a county, district, or township office, who at the time of his election, is not of the age of twenty-one years, or over, a citizen of the state, and an elector of the county, district, township, or other division, in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of

twenty-one years, or over, a citizen of the state, and a resident of the county or district, shall be eligible to the office of superintendent of public schools, school trustee, or member of the county board of education; *and provided further*, that no person shall hereafter be eligible to the office of district attorney who has not been admitted to practice in the supreme court of the State of California; *and provided further*, that the county live stock inspector shall, at the time of his appointment, be a duly qualified veterinary surgeon having on file in the office of the county clerk a certificate issued to him by the state veterinary medical board.

4024. Every county, township, or district officer, except a supervisor or judicial officer, may appoint as many deputies as may be necessary for the prompt and faithful discharge of the duties of his office. Such appointment must be made in writing, and filed in the office of the county clerk; and until such appointment is so made and filed, and until such deputy shall have taken the oath of office, no one shall be or act as such deputy.

4025. The board must provide the registers required by law and printed copies of the indexes, poll lists, poll books, blank returns and certificates, proclamations of elections, and other appropriate and necessary appliances for holding all elections in the county, and allow reasonable charges therefor, and for the transmission and return of the same to the proper officers.

4026. Whenever, as canvassers, the board of supervisors have declared the result of an election held in the county, certificates must be, by the county clerk, issued to all persons elected to a county, township, or district office therein, and such other certificates must be made out and transmitted as required by law.

CHAPTER IV.

LEGISLATIVE DEPARTMENT.

ARTICLE I. The Board of Supervisors.
II. The Clerk of the Board of Supervisors.
III. Records of the Board of Supervisors.
IV. General Permanent Powers.
V. Additional Powers and Duties.
VI. Ordinances.
VII. Examination of Persons, Books and Papers.
VIII. Liabilities.
IX. Buildings.
X. Claims Against County.
XI. Warrants on County Treasury.
XII. The Several Funds.
XIII. Issuance of Bonds.

ARTICLE I.

THE BOARD OF SUPERVISORS.

Section 4027. How constituted and known.
4028. Members, qualifications of.
4029. Supervisorial district, how changed.
4030. Vacancy in office of supervisor, how filled.
4031. Organization of.
4032. Records and minutes of, how signed.
4033. Meetings of—public.
4034. Meetings of.
4035. Special meetings of.
4036. May direct sheriff to attend meetings of, etc.

4027. Each county must have a board of supervisors, consisting of five members.

4028. Each member of the board of supervisors must be an elector of the district which he represents, must reside therein during his incumbency, must have been such elector for at least one year immediately preceding his election, and shall be elected by such district, and not at large; *provided*, that in any county or city and county in which supervisorial districts have not been established by law or ordinance, and in which supervisors are now required to be elected at large, from particular wards, the members of the board of supervisors shall be elected at large and without regard to residence.

4029. The board of supervisors may, by a two-thirds vote of the members of said board, change the boundaries of any or all of the supervisor districts of a county. Said districts shall be as nearly equal in population as may be. The boundaries of no supervisor district shall at any time be changed in such manner as to affect the term of office of any supervisor who has been elected, and whose term of office has not expired. No change in the boundaries of any supervisor district shall be made within ninety days next preceding a general election.

4030. Whenever a vacancy occurs in the board of supervisors of a county, the Governor shall fill the vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case the election of a supervisor shall be held at the next general election to fill the vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

4031. The supervisors shall elect a chairman, who shall preside at all meetings of the board, and in case of his absence or inability to act, the members present must, by an order entered on their records, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all the members concur therein.

4032. The records and minutes of the board must be signed by the chairman and the clerk.

4033. All meetings of the board must be public, and the books, records, and accounts of the board must be kept at the office of the clerk, open at all times for public inspection.

4034. The board of supervisors must, by ordinance, provide for the holding of regular meetings of the board at the county seat.

4035. A special meeting may be ordered by a majority of the board. The order must be signed by the members calling such meeting, and must be entered in the minutes. Five days' notice of such meeting must be given by the clerk. personally or by mail, to the members not joining in the order. The order must specify the business to be transacted at such special meeting, and none other shall be transacted.

4036. The board of supervisors shall have power to direct the sheriff to attend, in person or by deputy, all the meetings of the board, to preserve order, serve notices, subpœnas, citations, or other process, as directed by the board.

ARTICLE II.

CLERK OF THE BOARD OF SUPERVISORS.

Section 4037. County clerk ex-officio clerk of.
4038. Duties of.

4037. The county clerk is ex-officio clerk of the board of supervisors.

4038. The clerk of the board must:

1. Record all the proceedings of the board.

2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county.

3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.

4. Immediately after the adjournment of each meeting of the board, certify all demands allowed and orders made for the payment of money, giving the amount and date of each demand, or order, and the date of the allowance thereof, which demands, or orders, shall be countersigned by the chairman of the board, and thereafter said clerk shall deliver to and leave the same with the auditor.

5. File and preserve the reports of the county treasurer of the receipts and disbursements of the county.

6. Preserve and file a memorandum of all accounts acted upon by the board.

7. Preserve and file all petitions and applications for franchises, and record the action of the board thereon.

8. Authenticate with his signature and seal of the board the proceedings of the board, whenever the same shall be ordered published.

9. Authenticate with his signature and the seal of the board all ordinances passed by the board, and to record the same at length in the "ordinance book."

10. Record all orders levying taxes; and,

11. Perform all other duties required by law, or any rule or order of the board.

ARTICLE III.

RECORDS OF THE BOARD OF SUPERVISORS.

Section 4039. Board of Supervisors must cause what books to be kept.
4040. Records open for public inspection.

4039. The board must cause to be kept:

1. A "minute book," in which shall be entered the daily proceedings had at all regular and special meetings, and all orders and decisions made by them, except such as are required to be recorded in the "road," "franchise," or "ordinance" books.

2. An "allowance book," in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering, and indexing the same through each year.

3. A "road book," containing all proceedings and adjudications relating to the establishment, maintenance, change, and discontinuance of roads and road districts.

4. A "franchise book," containing all franchises granted by them, and all proceedings had in relation thereto.

5. A "warrant book," to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee.

6. An "ordinance book," in which must be entered all ordinances duly passed by the board.

4040. The records, books and accounts of the board must be kept at the office of the clerk at all times for public inspection.

ARTICLE IV.

GENERAL PERMANENT POWERS.

Section 4041. General powers of the board.

4041. The boards of supervisors, in their respective counties, shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law:

1. To supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county charged with the assessing, collecting, safe-keeping, management, or disbursement of the public revenues; to see that they faithfully perform their duties, direct prosecutions for delinquencies, and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection.

2. To divide the counties into township, election, school, road, supervisor, sanitary, and other districts required by law, change the same, and create others, as convenience requires.

3. To establish, abolish, and change election precincts, and to appoint inspectors, clerks, and judges of election, canvass all election returns, declare the result, and order the county clerk to issue certificates thereof; but no election precinct shall be established, or abolished, or the boundaries of any precinct changed, within ninety days prior to any election.

4. To lay out, maintain, control, construct, repair, and manage public roads, turnpikes, ferries, wharves, chutes, and other shipping facilities and bridges within the county, unless otherwise provided by law, and to grant franchises and licenses to collect tolls thereon; *provided*, where the cost of construction of any bridge, wharf, chute, or other shipping facilities that may be built under the provisions of this subdivision exceeds the sum of five hundred dollars, they must cause to be prepared and must adopt plans and specifications, strain sheets, and working details, and must advertise for bids for the construction of such bridge, wharves, chutes, or other shipping facilities, unless otherwise provided by law, in accordance with the plans and specifications so adopted. All bidders shall be afforded opportunity to examine such plans and specifications, and said board shall award the contract to the lowest responsible bidder, and the plans and specifications so adopted shall be attached to and become a part of the contract; and the person or corporation to whom the contract is awarded shall be required to execute a bond, to be approved by said board, for the faithful performance of such contract; *provided*, that after the submission of the bids as herein provided, the board of supervisors being advised by the county surveyor that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done or structure built by day's work, under the supervision and control of the said surveyor; *provided further*, that the surveyor in such cases shall be held personally responsible, under his official bond, to construct said bridge or structure, according to his plans and specifications, at a cost not to exceed the amount of the lowest responsible bid received; *provided*, that the road commissioners or road overseers in their respective districts shall employ all labor required and direct the conduct of work of any kind upon any and all public roads; *provided further*, that in cases of great emergency, by the unanimous consent of the whole board, they may proceed at once to replace or repair any and all bridges and structures without notice.

5. To construct or lease, officer and maintain, hospitals and almshouses, or otherwise, in their discretion, provide for the care and maintenance of the indigent sick or dependent poor of the county; and for such purposes to levy the necessary property or poll taxes, or both. The board of supervisors shall appoint some suitable person to take care of and maintain such hospitals and almshouses, and shall also appoint some suitable graduate or graduates in medicine to attend to such indigent sick or dependent poor, and to the patients in such hospitals and almshouses. The board shall not let the care, maintenance, or attendance of such indigent sick or dependent poor by contract to the lowest bidder.

6. To provide a farm, in connection with the county hospital, or almshouse, and make regulations for working the same.

7. To purchase, receive by donation, or lease any real or personal property or water rights necessary for use of the county, and to purchase or otherwise acquire necessary real estate upon which to sink wells to obtain water for sprinkling roads, and other county purposes, and to erect thereon tanks and reservoirs for the storage of water for such purposes, and to erect pumping apparatus for obtaining the same, to preserve, take care of, and manage and control the same; but no purchase of real property shall be made unless a notice of the intention of the board to make such purchase, describing the property to be purchased, the price to be paid therefor, from whom it is proposed to be purchased, and fixing the time when the board will meet to consummate such purchase, has been published for at least three weeks in some newspaper of general circulation, published in the county; or if none be published in the county, then has been posted at least three weeks prior to the time when the board meets to consummate such purchase, in at least three public places in each supervisor district.

8. To cause to be erected, or rebuilt, or furnished, a courthouse, jail, hospital, and such other public buildings as may be necessary, or to provide suitable buildings for such purposes. None of the aforesaid buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board. All such buildings must be erected by contract, let to the lowest responsible bidder, after notice by publication in a newspaper of general circulation published in such county, for at least thirty days. In case there is no newspaper published in such county, then such notice shall be given by posting in three public places.

9. To sell at public auction, at the courthouse door, or at such other place within the county as the board may, by a four-fifths vote, order, after thirty days' notice, given either by publication in a newspaper published in the county, or by posting in five public places in the county, and convey to the highest bidder for cash, any property belonging to the county not required for public use, paying the proceeds into the county treasury for the use of the county; *provided*, if in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars, or if it be the product of the county farm, the same may be sold at private sale, without advertising, by any member of the board empowered for that purpose by a majority of the board.

10. To examine and audit, at least every twelve months, the accounts of all officers having the care, management, collection, or disbursement of moneys belonging to the county, or moneys received or disbursed by them under authority of law.

11. To examine, settle, and allow all accounts legally chargeable against the county, except salaries of officers, and such demands as are authorized by law to be allowed by some other person or tribunal, and order warrants to be drawn on the county treasurer therefor.

12. To levy taxes upon the taxable property of their respective counties for all county purposes, and also upon the taxable property of any district, for the construction and repair of roads and highways and other district purposes; *provided*, that no tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of such district, and received a majority of all the legal votes cast upon such proposition.

13. To acquire and take by purchase, condemnation, or otherwise, land for the uses and purposes of public boulevards; to lay out, establish and improve public boulevards and to incur a bonded indebtedness for any of such purposes; *provided*, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds; said election to be called and held, and said bonds, if authorized, to be issued, sold and made payable in the manner and form prescribed by section four thousand and eighty-eight. Said boards shall also have power to maintain public boulevards, established and laid out under the provisions of this title, and to make and enforce rules and regulations for the protection, management, control and use of such boulevards.

14. To maintain, regulate, and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

15. To equalize assessments.

16. To direct and control the prosecution and defense of all suits to which the county is a party, and, by a two-thirds vote of all the members, may employ counsel to assist the district attorney in conducting the same.

17. To insure the county buildings and other property in the name of and for the benefit of the county.

18. To establish a salary fund, and such other county funds as they may deem necessary for the proper transaction of the business of the county, and to transfer moneys from one fund to another, as the public interest may require.

19. To fill, by appointment, all vacancies that may occur in any office filled by the appointment of the board of supervisors and elective county or township officers, except in those of judge of the superior court and supervisor, the appointee to hold office for the unexpired term or until the next general election.

19*a*. To employ the copyists necessary to reproduce any of the county records that may be in danger of destruction by age, obliteration, or constant use in any of the county offices.

20. To make and enforce such rules and regulations for the government of their body, the preservation of order, and the transaction of business, as may be necessary.

21. To adopt a seal for the board, a description and impression of which must be filed in the office of the county clerk and of the secretary of state.

22. To license, in the exercise of their police powers, and for the purpose of regulation, as herein provided, and not otherwise, all and every kind of business not prohibited by law, and transacted and carried on within the limits of their respective jurisdictions, and all shows, exhibitions, and lawful games carried on therein, to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise; *provided*, that every honorably discharged soldier, sailor, or marine of the United States, who is unable to obtain a livelihood by manual labor, shall have the right to hawk, peddle and vend any goods, wares or merchandise, except spirituous, malt, vinous or other intoxicating liquor, without payment of any license, tax or fee whatsoever, whether municipal, county or state, and the board of supervisors or legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor; *provided, however*, no license can be collected, or any penalty for the non-payment thereof enforced against any commercial traveler whose business is limited to the goods, wares, and merchandise sold or dealt in in this state at wholesale.

23. To provide for the destruction of gophers, squirrels, other wild animals, noxious weeds, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

24. To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax.

25. To provide, by ordinances not in conflict with the general laws of the state, for the protection of fish and game, and may shorten the season for the taking or killing of fish and game, within the dates fixed by the general state laws, but shall not lengthen the same.

26. To provide for the working of prisoners confined in the county jail, under judgment of conviction of misdemeanor, under the direction of some responsible person, to be appointed by the sheriff, whose compensation shall not exceed one hundred dollars per month, upon the public grounds, roads, streets, alleys, highways, or public buildings, or in such other places as may be deemed advisable, for the benefit of the county.

27. To provide for the burying of the indigent dead.

28. To make and enforce, within the limits of their county, all such local police, sanitary, and other regulations as are not in conflict with general laws.

29. To adopt such rules and regulations, within their respective counties, with regard to keeping and storing of every description of gunpowder, Hercules powder, giant powder, or other explosive or combustible material, as the safety and protection of the lives and property of individuals may require.

30. To appropriate from the general fund of the county, unless otherwise in this title provided, not to exceed, in counties of the first and second class, the sum of three thousand dollars, and in all other counties the sum of two thousand dollars in any one year, to aid in or carry on the work of inducing immigration thereto, or for the purpose of exhibiting or advertising the agricultural, mineral, manufacturing, or other resources of the county.

31. To enforce, by ordinance, within the limits of their counties, all such regulations concerning the size of wagons and vehicles of all kinds to be used on the roads or highways, and the width of tires on the same, as are not in conflict with general laws.

32. To grant licenses and franchises for constructing, keeping, and taking tolls on roads, bridges, ferries, wharves, chutes, booms, and piers, and to grant franchises along and over the public roads and highways for all lawful purposes upon such terms and conditions and restrictions as in their judgment may be necessary and proper, and in such manner as to present the least possible obstruction and inconvenience to the traveling public.

33. To grant, on such terms, conditions, and restrictions as in their judgment may be necessary and proper, licenses and franchises for taking tolls on public roads or highways, whenever in their judgment the expenses necessary to operate or maintain such public roads or highways as free public highways is too great to justify the county in so operating or maintaining them. It shall always be a condition attached to the granting of such licenses and franchises, that such roads or highways shall be kept in reasonable repair by the person or persons to whom such licenses or franchises may be granted.

34. To enact ordinances and regulations for the construction, alteration, repair, and control of all public roads and highways in the county, unless otherwise provided by law.

35. To levy a special road fund tax, not to exceed two (2) mills on the one dollar of assessed valuation, on all the property in such counties, outside of any incorporated city or town. Such tax shall be in addition to all taxes otherwise provided for, and the fund so created shall be expended for the construction and maintenance of the

main public roads or county highways in the several road districts, in proportion to the amount collected from such districts.

36. To encourage, under such regulations as they may adopt, the planting and preservation of shade and ornamental trees on the public roads and highways, and on and about the public grounds and buildings of the county, and pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, a sum not exceeding one dollar.

37. To provide by ordinance for the organization and government of districts, to protect and preserve the banks of rivers and streams and lands lying contiguous thereto from injury by overflow or the washing thereof, and to provide for the improvements of said rivers and streams, and prevent the obstruction thereof, and to provide for the assessment, levy, and collections within such districts of a tax therefor.

38. To appropriate a sum not exceeding two cents per one hundred dollars of the assessed valuation of their county in any one year, in addition to any sum which may be chargeable to the county for the repayment of money expended by the state for protection against fire in such county, for the purpose of protecting forest, brush and grass lands therein, against fire or other injury, and of aiding the state and federal authorities in forestry work.

39. To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the legislative authority of the county government.

ARTICLE V.

ADDITIONAL POWERS AND DUTIES.

Section 4042. May improve streams not navigable.
4043. May protect highways from damage by floods.
4044. Office, etc., to be supplied to county surveyor.
4045. Collection of illegal fees by officer forfeits office.
4046. Badges of sheriffs.
4047. Franchises for bicycles and other horseless vehicles.
4048. Must annually advertise for bids to furnish county supplies, etc.
4049. Must publish fair statement of proceedings.
4049*a*. Must publish annual statistical report.
4050. Must require assessor to report.
4051. Must have prepared annual statement of finances, etc.
4052. Lands and other property granted.
4052*a*. May accept or reject gifts.
4053. May transfer money from certain funds.
4054. Must repay same.
4055. May take census, when.
4056. To furnish data to secretary of state agricultural society.
4056*a*. To preserve health of domestic live stock.

4042. The board may provide for widening, deepening, straightening, removing obstructions from, and otherwise improving all streams and washes within the county and also protecting the banks and adjacent lands from overflow of such streams or washes, when the same are not declared by law to be, and in fact are not, navigable for commercial purposes, the overflow of which interferes with highways; and provide regulations for the use, repair, and control thereof; but no regulations of the board, nor improvements directed, must in any manner interfere with the private rights or privileges of riparian owners, miners, or others. Whenever, in the opinion of the board of supervisors, the general fund is insufficient to defray the cost of the improvements provided for under this section, they may levy a tax or contract a bonded indebtedness therefor in the manner provided by this title.

4043. Whenever it appears to the board that any public road, in any road district of the county, is in danger of being damaged by storm waters or floods, or whenever any public highway has already been damaged by storm waters or floods, it is hereby made the duty of the board to adopt such measures as may be necessary to prevent such damage, or to repair the same; and the board is hereby authorized to construct flumes, ditches, or canals, for the purpose of carrying off such storm waters or floods to a place of safety, and may condemn the right of way for such flumes, ditches or canals for such purpose; *provided, however*, that no more than the sum of one thousand dollars shall be used for such purpose in any one road district of the county in any one year. All moneys used for the purposes of this section may be taken from the general or road fund of the county.

4044. The board shall provide, for the use of the surveyor, a suitable office, office furniture, heat, light, and care for the same, office and record books, and other necessary material, also all necessary expenses and transportation on work performed in the field. In lieu of fees, as now provided by law, the surveyor shall receive such compensation as the board of supervisors may allow, not to exceed ten dollars per day for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field.

4045. The board, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, must declare his office vacant.

4046. The board must furnish the sheriff and deputy sheriffs with a suitable badge of office upon which shall be inscribed on that for the sheriff the word "Sheriff" and on those for the deputy sheriffs the words "Deputy Sheriff."

4047. The board of supervisors may under such regulations, restrictions and limitations as it may provide subject to existing laws, grant franchises for the construction of paths and roads, either on the surface, elevated or depressed, on, over, across, or under the streets and public highways of their respective counties for the use of bicycles, tricycles, motor-cycles, and other like horseless vehicles propelled by the rider, and for a term not exceeding fifty years.

4048. The board of supervisors of the several counties shall annually advertise, for at least ten days in a newspaper of general circulation in the county (if there be a newspaper published in the county, otherwise by posting notices in three public places), for sealed bids for furnishing the county with stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies. All bids shall be on a schedule, showing all articles needed in the several offices and departments, prepared by the clerk of the board, shall state separately the price of each article to be furnished, and any person may bid upon any article separately. In considering such bids, the board may accept or reject all or any of them, or may accept or reject a part of any such bid, preference being given, however, to the lowest responsible bidder. All supplies furnished the county, or any officer thereof, shall be furnished at a price no greater than is specified in the bid which may be accepted by the board.

The board shall annually fix the price at which the county shall be supplied with job printing and blank books, from a schedule prepared by the clerk of the board, showing all blanks and blank books used in the several offices and departments, and also the price of all county advertising; and each county officer shall procure such blank books, job printing, and advertising required for the proper discharge of his official duties, such printing and advertising to be done by such person or newspaper as such county officer may designate, at a price no greater than is so fixed, and certify the bill therefor to the board of supervisors. A square of advertising shall be two hundred and thirty-four ems nonpareil.

4049. Within ten days after each session of the board, it shall cause to be published a fair statement of all its proceedings.

4049*a*. The board of supervisors shall cause to be prepared, and shall publish each year a statistical report showing in compendious form all the financial transactions of the county for the last fiscal year, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution, court, and road district and school district, and classifying the principal items of income and expenditure, so as to show the financial transactions and the financial condition of the county.

4050. The board must require the assessor to report to the state board of equalization, annually, a true statement of the agricultural and industrial pursuits and products of the county, with such other statistical information as they may direct.

4051. The board must have prepared by the clerk, and when he is not also auditor, then by that officer, and under their direction, prior to their annual meeting for levying taxes, a statement showing:

1. The indebtedness of the county, funded and floating, stating the amount of each class, and the rate of interest borne by such indebtedness, or any part thereof.

2. A concise description of all property owned by the county, with an approximate estimate of the value thereof, and the amount of cash in the county treasury and its several funds.

4052. The board must receive from the United States, or other sources, lands and other property granted or donated to the county for the purpose of aiding in the erection of county buildings, roads, bridges, or other specific purposes, and may use the same therefor, and may provide for the sale of the same, and the application of the proceeds thereof.

4052*a*. The board of supervisors are hereby authorized to accept or reject, as they may deem advisable, any gift, bequest, or devise heretofore, or that hereafter may be made to or in favor of the county represented by such board in their official capacity, or to or in their favor in trust for any public purpose, and to hold and dispose of the same, and the income and increase thereof to and for such lawful uses and purposes as have been or may hereafter be prescribed in the terms of such gift, bequest or devise.

In the event of any such gift, bequest or devise having been, or being hereafter made unaccompanied by any provision prescribing or limiting the uses or purposes to which the property received thereunder, or the income or increase thereof, may be put, it shall be put to such uses and purposes as such board may prescribe, and the proceeds or income therefrom shall be paid into the school fund of the county.

4053. The boards of supervisors in the several counties, when expedient and necessary, are hereby authorized and empowered to transfer moneys remaining in the swamp-land fund and such moneys as may remain in any of the sinking funds of their county, to the general fund of such county, which transfer or transfers shall be deemed a loan from the swamp-land fund or sinking fund to such general fund.

4054. Whenever it shall be necessary to repay the amount so transferred or borrowed to the swamp-land or sinking fund from which the same has been transferred, or any part thereof the board of supervisors shall cause a warrant to be drawn upon said general fund for the amount so transferred or borrowed, or any part thereof; and such warrant shall be a preferred claim upon such general fund over and above all warrants outstanding against said fund, and shall be paid out of the first money received in such general fund.

4055. The board of supervisors in years other than those in which a census is taken by the United States, may cause by ordinance, when necessary, a census of their respective counties, or any township or district therein to be taken. The persons taking such census shall enumerate all the inhabitants thereof, plainly writing the full name of each person and arranging the names alphabetically and numbering the same consecutively in one complete series. When completed the same shall be verified before any officer authorized to administer oaths, and filed with the county clerk. A certified copy thereof shall be prepared by the clerk and filed by him in the office of the secretary of state, and thereupon shall be known and be the official census of the political division described therein. The expenses of taking such census shall be a county charge.

4056. It shall be the duty of the board of supervisors of each county, on or before the first day of November of each year, to supply the secretary of the State Agricultural Society upon blanks to be furnished by him for that purpose, statistics showing the products grown, produced or manufactured in said county, for the year preceding, and the expense thereof shall be a county charge, to be paid as other county charges against the county.

4056*a*. The board shall adopt orders and enact ordinances not in conflict with state or federal laws necessary for the preservation of the health of domestic live stock, and shall provide for the payment of all expenses incurred in enforcing the same, which expenses shall be a county charge and payable in the same manner and out of the same funds as other county charges are paid.

ARTICLE VI.

ORDINANCES.

Section 4057. How enacted.

4057. The enacting clause of all ordinances of the board shall be as follows: "The Board of Supervisors of the County of ———— do ordain as follows." Every ordinance shall be signed by the chairman of the board and attested by the clerk. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the "Ordinance Book." No ordinance passed by the board shall take effect within less than fifteen days after its passage, and before the expiration of the said fifteen days the same shall be published, with the names of the members voting for and against the same, for at least one week, in some newspaper published in the county, if there be one, and if there be none published in the county, then such ordinance shall be posted at the court-house door at least one week. An order entered in the minutes of the board that such ordinance has been duly published or posted shall be prima facie proof of such publication or posting.

ARTICLE VII.

THE EXAMINATION OF PERSONS, BOOKS AND PAPERS.

Section 4065. Chairman may issue subpœnas.
4066. Sheriff shall serve subpœnas.
4067. Committee of the board.
4068. Disobedience of subpœna.
4069. Proceedings on attachment.
4070. Witnesses not to be prepaid.

4065. Whenever the board of supervisors of any county shall deem it necessary or important to examine any person as a witness upon any subject or matter within the jurisdiction of such board, or to examine any officer of the county in relation to the discharge of his official duties, as to the receipt or disposition by him of any moneys, or concerning the possession or disbursement by him of any property belonging to the county, or to use, inspect, or examine any books, account, voucher, or document in the possession of such officer or other person, or under his control, relating to the affairs or interests of such county, the chairman of such board shall issue a subpœna, in proper form, commanding such person or officer to appear before such board, at a time and place therein specified, to be examined as a witness; and such subpœna may require such person or officer to produce on such examination all books, papers, and documents in his possession or under his control, relating to the affairs or interests of the county.

4066. It shall be the duty of the sheriff of the county to whom the subpœna is delivered, to serve the same by reading it to the person named therein, and at the same time to deliver to him a copy thereof, and his official return thereon, of the time and place of such service, shall be prima facie evidence thereof.

4067. Whenever the board of supervisors shall appoint any members of their body a committee upon any subject or matter of which the board has jurisdiction, and has conferred upon such committee power to send for persons and papers, the chairman of such committee shall possess all the powers and be liable to all the duties herein given to and imposed upon the chairman of the board of supervisors.

4068. Whenever any person duly subpœnaed to appear and give evidence, or to produce any books and papers, as herein provided, shall neglect or refuse

to appear, or to produce such books and papers, as required by such subpœna, or shall refuse to testify before such board or committee, or to answer any questions which a majority thereof shall decide to be proper and pertinent, he shall be deemed in contempt, and it shall be the duty of the chairman of the board, or of the committee, as the case may be, to report the fact to the judge of the superior court of the county, or of the city and county, who shall thereupon issue an attachment in the form usual in the court of which he shall be judge, directed to the sheriff of the county where such witness was required to appear and testify, commanding the said sheriff to attach such person, and forthwith bring him before the judge by whose order such attachment was issued.

4069. On the return of the attachment and the production of the body of the defendant, the said judge shall have jurisdiction of the matter, and the person charged may purge himself of the contempt in the same way, and the same proceedings shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpœnaed to appear and give evidence on the trial of a civil cause before a superior court.

4070. The witnesses summoned to testify on behalf of the county in matters of public concern before the board of supervisors are not entitled to have their fees prepaid; but the board must allow them the reasonable expenses of their attendance.

ARTICLE VIII.

LIABILITIES.

Section 4071. Liabilities not to exceed revenue.

4071. The board must not, for any purpose, contract debts or liabilities, in any manner or for any purpose, which exceed in any fiscal year the income and revenue provided for such year, except as permitted by the constitution. It shall be the duty of the auditor, at the commencement of each regular session of the board, to lay before it a statement prepared by him of the aggregate amount of allowance against each fund, and of salaries and liabilities fixed by law, paid or payable therefrom since the beginning of the fiscal year, together with a statement of receipts of each fund for that portion of the year already elapsed, and an exact estimate of the revenue for the remainder of the year apportioned to the different funds, based upon the receipts for the corresponding portion of the preceding year. Whenever the board shall have levied the state and county tax for the fiscal year, the auditor's estimates for the remainder of the year shall, as to receipts from property tax, be based upon the assessment roll and tax levy, deducting ten per cent for the anticipated delinquencies. Up to and including the 1st day of January in each fiscal year the board shall have no power for any purpose to contract debts or liabilities in any manner or for any purpose nor to make any allowances against any funds, which with all the debts and liabilities previously incurred and with all allowances previously made, and salaries and liabilities fixed by law payable therefrom, shall exceed seventy per cent of the auditor's estimate of revenue for the year, except to build or repair roads and bridges which have been destroyed or made impassable by flood or fire. Any debts or liabilities contracted in any manner or for any purpose and any allowances made contrary to the provisions of this section shall be null and void and the auditor shall not draw his warrant therefor nor the treasurer pay the same. When several allowances are made on the same day, they shall be deemed to have been made in the order in which they are entered in the "allowance book," and shall be certified in that order by the auditor.

ARTICLE IX.

BUILDINGS.

Section 4072. Plans, etc., not to be altered.
4073. Contracts not to be altered, etc.

4072. Whenever the board of supervisors shall adopt plans and specifications for the erection, alteration, construction or repair of any public building, bridge, or other public structure, such plans and specifications shall not be altered or changed in any manner whereby the cost of such building, bridge, or structure shall be increased, except by a vote of two thirds of their number.

4073. Whenever the board of supervisors shall enter into a contract for the erection, construction, alteration, or repair of any public building, bridge, or other structure, such contract shall not be altered or changed in any manner, unless they shall, by a vote of two thirds of their number, and with the consent of the contractor, first so order. And whenever any such change or alteration is so ordered, the particular change or alteration shall be specified, in writing, and the cost thereof agreed upon between the board and the contractor. In no case shall the board pay or become liable for any extra work done on, or extra material furnished for, such building or structure.

ARTICLE X.

CLAIMS AGAINST COUNTY.

Section 4074. Presenting of claims by officers.
4075. Claims to be itemized.
4076. Form for claims.
4077. Improper claims to be rejected.
4078. When claimant may sue.
4079. Claims of members.

4074. No county officer shall, except for his own service, present any claim, account, or demand for allowance against the county, or in any way except in the discharge of his official duty advocate the relief asked in the claim or demand made by any other. Any person may appear before the board and oppose the allowance of any claim or demand made against the county.

4075. The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular services rendered, character of process served, upon whom, distance traveled, where and when, character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is presented and filed with the clerk of the board within a year after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact, and give time to have the claim itemized and reverified.

4076. No account shall be passed upon by the board, unless made out as prescribed in this and the preceding section and filed with the clerk three days prior to the time of the meeting of the board at which it is asked to be allowed.

Such demand shall be made out in form substantially as follows:

Clerk's memoranda, No. ———
———Fund.

Demand of ———, dated ———, in sum of $———, for ———. Allowed by the Board of Supervisors ———, 19—, in sum of $———.

Attest: ———, Clerk of Board.

.....

Demand of .....

No. ———, ———. Fund ———. Demand on the treasury of the County of ———, State of California, for the sum of ——— dollars, being for ———.

Date.	Items.	Dollars.	Cents.
		$	

Expenditures authorized and approved by me.

———, ———.

State of California, } ss.
County of ———. }

The undersigned, being duly sworn, says: That the above claim and the items as therein set out are true and correct; that no part thereof has been heretofore paid, and that the amount therein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued.

———, ———.

Subscribed and sworn to before me this ——— day of ———.

———, ———, County Clerk.

Allowed by Board of Supervisors, ———, 19—, in sum of $———, payable out of ——— fund.

Attest: ———, Clerk of Board of Supervisors.

Countersigned: ———, Chairman Board of Supervisors.

Warrant No. ———.

Allowed ———, 19—, for the sum of $———, payable out of ——— fund.

———, ———, County Auditor.

No. ———. Registered ———, 19—.

———, ———, County Treasurer.

Said demand shall be approved before filing by the officer who directed such expenditure. If said demand be allowed by the board, the clerk of the board shall detach and file the memorandum, and shall indorse on such demand "allowed by the board of supervisors," together with the date of such allowance, the amount of such allowance, and from what fund; shall attest the same with his signature, and, when countersigned by the chairman, shall transmit the same to the auditor, who shall, in case he allows said demand, indorse upon it "allowed," together with the amount for which it is allowed, from what fund, date, and number of the warrant, and shall, in attestation thereof, affix his signature thereto and deliver the same to the claimant; and said demand, when so allowed and signed by the auditor, shall constitute the warrant on the treasury, within the meaning of this chapter.

4077. When the board finds that any claim presented is not payable by the county, or is not a proper county charge, it must be rejected; and said rejection shall be plainly indorsed on said claim; if they find it to be a proper county charge, but greater in amount than is justly due, the board may allow the claim in part, and draw a warrant for the portion allowed, on the claimant filing a receipt in full for his account. If the claimant is unwilling to receive such amount in full payment, the claim may again be considered at the next regular session of the board, but not afterward.

4078. If the board refuse or neglect to allow or reject a claim or demand for ninety days after the same has been filed with the clerk, such refusal or neglect may, at the option of the claimant, be deemed equivalent to a final action and rejection on the ninetieth day, and a claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the county therefor at any time within six months after the final action of the board, but not afterward, and if, in such action, judgment is recovered for more than the board allowed, on presentation of a certified copy of the judgment, the board must allow and pay the same, together with the costs adjudged; but if no more is recovered than the board allowed, the board must pay the claimant no more than was originally allowed.

4079. All claims against the county, presented by members of the board of supervisors for per diem and mileage, or other service rendered by them, must be itemized and verified as other claims, and must state that the service has been actually rendered, and before allowance such claims must be presented to the district attorney, who must indorse thereon, in writing, his opinion as to the legality thereof. If the district attorney declare the claim, or any part thereof, illegal, he must state specifically wherein it is illegal, and the claim, or such part, must then be rejected by said board.

ARTICLE XI.

WARRANTS ON COUNTY TREASURY.

Section 4081. What warrants must specify.

4081. Warrants drawn by order of the supervisors on the county treasury for the current expenses during each year must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of presentation to the treasurer. If the fund is insufficient to pay any warrant, it must be registered, and thereafter paid in the order of registration.

ARTICLE XII.

THE SEVERAL FUNDS.

Section 4085. Public revenues must be kept in separate funds.
4086. Moneys in fund, how used.
4087. General fund, what constitutes.

4085. The income and revenue paid into the county treasury shall be at once appropriated to and kept in separate funds.

4086. The several funds in the treasury authorized by law at the time this title takes effect, or provided for by this title shall continue therein so long as there shall be occasion therefor, and the moneys therein, or which may belong thereto shall not be used for any purpose other than that for which the same were raised, except as otherwise provided in this title.

4087. The general fund shall consist of moneys received into the treasury and not specially appropriated to any other fund.

ARTICLE XIII.

ISSUANCE OF BONDS.

Section 4088. Issuance of bonds for certain purposes; proceedings on.

4088. Any county having an outstanding indebtedness, evidenced by bonds or warrants thereof, may refund such indebtedness and issue bonds of the county therefor, and any county may incur or refund a bonded indebtedness for any purposes for which the board of supervisors are herein authorized to expend the funds of said county, or for the purpose of building or constructing roads, bridges or highways. Such indebtedness shall be refunded or incurred in the following manner, to-wit: The board of supervisors thereof shall by order specify the purpose for which the

indebtedness is to be incurred, the amount of bonds which they propose to issue, the rate of interest, and the number of years, not exceeding forty, the whole or any part of said bonds are to run, and shall further provide for submitting the question of the issuance of said bonds to the qualified electors of the county at the next general election, or at a special election to be called by the board for that purpose, and the words to appear upon the ballot shall be "Bonds—Yes," and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued. Several separate propositions may be submitted at the same election. If a special election is called, none but qualified voters of the county shall be permitted to vote thereat, and it shall be held as nearly as practicable in conformity with the general election law of the state; *provided, however*, that for the holding of such special election the board may form bond election precincts by adopting the precincts established for general election purposes, or by consolidating such precincts inside of incorporated cities and towns, to a number not exceeding six in each bond election precinct, and shall appoint only one inspector, two judges and one clerk for each bond election precinct. Notice shall be given of such election by publication in one or more newspapers published in the county, once a week for at least four weeks, or daily for not less than thirty days, prior to said election. If there be no such newspaper, then by posting the same conspicuously in five public places in said county at least thirty days before said election. Such notice must contain the time and place or places of holding such election, the names of election officers to conduct the same, the amount and denomination of the bonds, the rate of interest to be paid, and the number of years, not exceeding forty, the whole or any part of such bonds are to run. If any election officers so named in such notice are not present at the opening of the polls, the electors present may appoint election officers to take the place of such election officers so absent. If two thirds of the electors of the county voting at such an election shall vote in favor of issuing such bonds, the board must proceed to issue the amount of bonds specified; *provided*, that the total amount of bonded indebtedness shall at no time exceed five per cent of the taxable property of the county, as shown by the last equalized assessment book thereof. This limitation shall not apply to bonds which may be issued to refund an indebtedness existing January first, eighteen hundred and eighty. The board of supervisors, by an order entered upon its minutes, shall prescribe the form of said bonds, and of the interest coupons attached thereto, and fix the time when the whole or any part of the principal of said bonds shall be payable, which shall not be more than forty years from the date thereof; and said board may also, at their option, by a provision in such bonds, make such principal payable on or before a specified date, at the pleasure of the county. Said bonds may be issued in denominations not to exceed one thousand dollars and not less than one hundred dollars; principal and interest payable in gold coin of the United States, either at the treasury of said county, or at such place within the United States as such board may designate, or both at such treasury or such designated place, at the option of the bondholder. Interest on said bonds shall not exceed six per cent per annum, payable annually or semi-annually, as said board may designate. Said bonds shall be signed by the chairman of the board of supervisors, and attested by the auditor of said county, and have the seal of the board of supervisors attached, and said coupons shall be signed by said auditor by original or lithographed fac simile signature; and said bonds shall be sold at the times, in the amounts and in the manner prescribed by said board of supervisors, but for not less than par. The board of supervisors, at the time of making the next general tax levy after incurring the indebtedness of any bonds issued under the provisions of this title, and annually thereafter until all of said bonds are paid, or until there shall be a sum in the treasury of the county set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, must levy a tax for that year upon the taxable property of said county for the interest and redemption of said bonds, which shall be in addition to all other taxes, and such tax must not be less than sufficient to pay the interest on said bonds, and such portion of the principal, if any, as is to become due before the time for making the next general tax levy, and in any event must be sufficient to raise annually for the first half of the term said bonds have to run, a sufficient sum to pay the interest thereon; and during the balance of the term sufficient to pay such annual interest, and to provide annually a proportion of the principal of said bonds equal to a sum produced by taking the whole amount of said bonds outstanding and dividing it by the number of years said bonds then have to run. And the board of supervisors, before or at the time of issuing said bonds by ordinance shall provide for the levy of an annual tax sufficient to effect the objects of this provision. Such tax, when collected, shall be paid into the treasury of the county, and used solely to pay the interest and principal of said bonds as they respectively become due.

The revenue derived from the sale of said bonds shall be applied to the purpose specified in the order of the board, and no other. Should there be any surplus, it shall be applied toward the payment of said bonds. The board of supervisors of any county can contract a bonded indebtedness for county purposes only as in this title provided.

In issuing bonds under this title, the board of supervisors may, at its option, use the following form of bond and coupon:

UNITED STATES OF AMERICA.

No. ————. County of ————, $————.

State of California.

The county of ————, State of California, hereby acknowledges itself indebted and promises to pay the bearer hereof, on the ———— day of ————, one thousand ———— (herein insert, if the board of supervisors elect to make the bond payable on a certain date, or before that date, at the pleasure of the county, the words "or at any time before that date, at the pleasure of the county") the sum of ———— dollars in gold coin of the United States, with interest thereon, in like gold coin, at the rate of ———— per centum per annum, payable at ———— semi-annually (or annually) on the first day of ———— and ———— (or on the first day of ————, if interest payable annually), on presentation and surrender of the interest coupon hereto attached.

This bond is issued by the board of supervisors of the county of ————, State of California, in strict compliance with the provisions of Title II of Part IV of the Political Code of the State of California, and in pursuance of an order of said board duly made on the ———— day of ————, 19—, and with the assent of two thirds of the qualified electors of said county voting at an election legally called and duly held for that purpose on the ———— day of ————, 19—.

And it is hereby certified and recited that the bonded indebtedness of said county, including this bond, does not exceed five per cent of the taxable property thereof, as shown by the last equalized assessment of said county, and that provision has been made for the collection of an annual tax sufficient to pay the interest on this indebtedness as it falls due, and also sufficient to constitute a sinking fund for the payment of said indebtedness at or before maturity.

In witness whereof, the said county, by its board of supervisors, has caused this bond to be signed by the chairman of said board, and attested by the auditor thereof, and the seal of the board of supervisors to be hereto attached, this ———— day of ————, one thousand ————.

————— ————,

Chairman Board of Supervisors.

Attest: ———— ————, County Auditor.

And the interest coupon may be in the following form:

"The county of ————, State of California, hereby promises to pay the holder hereof, on the ———— day of ————, one thousand ————, at ———— in ————, $————, United States gold coin, for interest on its county bond, No. ————.

————— ————,

County Auditor."

If the board of supervisors of any county which has issued bonds under the provisions of this title shall fail to make the levy necessary to pay such bond or interest coupons at maturity, and the same shall have been presented to the county treasurer and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the state controller, taking his receipt therefor, and the same shall be registered in the state controller's office; and the state board of equalization shall, at their next session, and at each annual equalization thereafter, add to the state tax to be levied in said county, a sufficient rate to realize the amount of principal or interest past due and to become due prior to the next levy, and the same shall be levied and collected as a part of the state tax and paid into the state treasury and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the state controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

CHAPTER V.

EXECUTIVE DEPARTMENT.

ARTICLE I. The Chairman of the Board of Supervisors.
II. The Auditor.
III. The Treasurer.
IV. The Assessor.
V. The Tax Collector.
VI. The License Collector.
VII. The Recorder.
VIII. The Coroner.
IX. The Live Stock Inspector.
X. Fish and Game Warden.

ARTICLE I.

THE CHAIRMAN OF THE BOARD OF SUPERVISORS.

Section 4090. Duties of.

4090. The chairman of the board of supervisors shall preside at all meetings thereof and perform such duties as are prescribed by law or by said board.

When the board is not in session in any emergency affecting the interest of the county, or when any defalcation or official misconduct shall come to his knowledge, he shall forthwith call a special meeting of the board of supervisors to consider the same.

ARTICLE II.

THE AUDITOR.

Section 4091. Duties of.
4092. Warrants to specify what.
4093. To settle with debtors of county.
4094. Accounts and receipts.
4095. Warrants to be numbered.
4096. Must examine treasurer's books.
4097. Count of money in treasury.
4098. Same. Filing statements of.
4099. Joint statements of auditor and treasurer.
4099*a*. Duty of auditor with respect to minor orphans or half orphans.
4100. Other duties of.

4091. The auditor must issue warrants as provided in section four thousand and seventy-six, on the treasurer, in favor of all persons entitled thereto, in payment of all claims and demands chargeable against the county, which have been legally examined, allowed, and ordered paid by the board of supervisors. The auditor must also issue warrants on the treasurer for all debts and demands against the county, when the amounts are fixed by law, or are authorized by law to be allowed by some person or tribunal other than the board of supervisors.

4092. All warrants must distinctly specify the liability for which they are drawn, and when it accrued.

4093. The auditor must examine and settle the accounts of all persons or officers indebted to the county, or holding moneys payable into the county treasury, and must certify the amount to the treasurer, and upon the presentation and filing of the treasurer's receipt therefor, give to such persons a discharge, and charge the treasurer with the amount received by him.

4094. The auditor must keep accounts current with the treasurer, and when any person deposits with the auditor any receipt given by the treasurer for any money paid into the treasury, the auditor must file such receipt, and charge the treasurer with the amount thereof.

4095. All warrants issued by the auditor during each year, commencing with the first Monday after the first day of January, must be numbered consecutively, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, must be stated thereon; and they must, at the time they are issued, be registered by him, and after such warrants have remained uncalled for for two years they shall be canceled.

4096. The auditor must, between the first and tenth day of each month, examine the books of the treasurer, and see that the same have been correctly kept.

4097. The chairman of the board of supervisors, district attorney, and auditor, must, at least once in each month, count the money in the county treasury, and make and verify, in duplicate, statements showing:

1. The amount of money that ought to be in the treasury.
2. The amount and kind of money actually therein.

4098. They must file one of the statements in the office of the county clerk, and the auditor must post and maintain the other in his office for at least one month thereafter.

4099. The auditor and treasurer of each county must, on the first Monday in February, May, August and November, and at such other times as the board of supervisors may require, make a joint statement to the board of supervisors, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the county treasury; the funds among which the same are distributed, and the amount to each; the total amount of warrants drawn and paid, and on what fund; the total amount of warrants drawn and unpaid, and accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid, and, generally, make a full and specific showing of the financial condition of the county.

4099*a*. It shall be and is hereby made the duty of every county auditor in the State of California to keep all the books and necessary accounts with ref-

erence to payments made by the county of which he is auditor for minor orphans and half-orphans and abandoned children and to prepare the necessary data and make out all claims against the state for such payments, and the board of supervisors may allow the auditor a reasonable compensation for performing the extra duty herein provided.

4100. The auditor must discharge such other duties as are required by law.

ARTICLE III.

THE TREASURER.

Section 4101. Specific duties of treasurer.
4102. Auditor's certificate required.
4103. Must give receipts.
4104. Must pay warrants, when.
4105. To endorse warrants, when on funds on hand.
4106. Warrants drawing interest.
4107. Advertising warrants.
4108. Preference of warrants.
4109. Unpaid warrants.
4110. Must note interest paid.
4111. Monthly and annual statements.
4112. Detailed report each session of the board.
4113. Penalty for not reporting.
4114. Must sue district attorney, when.
4115. Property received from coroner.
4116. Money of decedents.
4117. Possession of public moneys.
4118. Suspended from office, when.
4119. Death of treasurer.
4120. Examination of books and accounts of.
4121. Same.
4122. Treasurer to receive and pay out moneys arising from gifts, etc.

4101. The treasurer must:

1. Receive all moneys belonging to the county, and all other moneys by law directed to be paid to him, safely keep the same, and apply and pay them out, rendering the account thereof as required by law.

2. File and keep the certificates of the auditor delivered to him when moneys are paid into the treasury.

3. Keep an account of the receipt and expenditure of all such moneys, in books provided for the purpose, in which must be entered the amount, the time when, from whom, and on what account all moneys were received by him; the amount, time when, to whom, and on what account all disbursements were made by him.

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations are exhibited in separate and distinct accounts, and the whole receipts and expenditures shown in one general or cash account.

5. Enter no moneys received for the current year on his account with the county for the past fiscal year, until after his annual settlement for the past year has been made with the county auditor.

6. Disburse the county moneys only on county warrants issued by the county auditor, except on settlement with the state.

7. Disburse the moneys in the treasury on such warrants only when they are based on orders of the board of supervisors, or upon order of the superior court, or as otherwise provided by law.

4102. He must receive no money into the treasury unless accompanied by the certificate of the auditor, provided for in section four thousand and ninety-three.

4103. When any money is paid to the county treasurer he must give to the person paying the same a receipt therefor, which must forthwith be deposited with the county auditor, who must charge the treasurer therewith, and give the person paying the same a receipt.

4104. When a warrant is presented for payment, if there is money in the treasury for that purpose, he must pay the same and write on the face thereof "paid," the date of payment, and sign his name thereto.

4105. When any warrant is presented to the treasurer for payment, and the same is not paid for want of funds, the treasurer must indorse thereon "Not paid for want of funds," with the date of presentation, and sign his name thereto, and from that time until paid the warrant bears five per cent interest per annum.

4106. When there are sufficient moneys in the treasury to pay the warrants drawing interest, the treasurer must give notice in some newspaper published in the county, or if none is published therein, then by written notice posted upon the court-house door, stating therein that he is ready to pay such warrants. From the first publication or posting of such notice, such warrants cease to draw interest.

4107. In advertising warrants under the provisions of the preceding section in any newspaper, the treasurer must not publish the warrants in detail, but give

notice only that county warrants presented for payment prior to such a date, stated in the notice, are payable. When a part only of the warrants presented for payment on the same day are payable, the treasurer must designate such payable warrants in the advertisement.

4108. Warrants drawn on the treasury, and properly attested, are entitled to preference as to payment out of moneys in the treasury properly applicable to such warrants, according to the order in which they were presented. The time of presenting such warrants must be noted by the treasurer, and upon receipt of moneys into the treasury not appropriated, he must set apart the same, or so much thereof as is necessary for the payment of such warrants.

4109. Should such warrants not be again presented for payment within sixty days from the time the notice hereinbefore provided for is given, the fund set aside for the payment of the same must be by the treasurer applied to the payment of unpaid warrants next in order of registry. The board of supervisors may, on application and presentation of warrants properly indorsed, which have been advertised, pass an order directing the treasurer to pay them out of any money in the treasury not otherwise appropriated.

4110. When the treasurer pays any warrant upon which any interest is due, he must note on the warrant the amount of interest paid thereon and enter on his account the amount of such interest distinct from the principal.

4111. The treasurer must settle his accounts relating to the collection, care, and disbursement of public revenue, of whatsoever nature and kind, with the auditor, on the first Monday of each month. For the purpose of making such settlement, he must make a statement, under oath, of the amount of money or other property received prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements, and to whom, with the amount remaining on hand. He must, in such settlements, deposit all warrants redeemed by him, and take the auditor's receipt therefor. He must also make a full settlement of all accounts with the auditor, annually, on the first Monday of January, in the presence of the supervisors.

4112. Each county treasurer must make a detailed report, at every regular meeting of the board of supervisors of his county, of all money received by him, and the disbursement thereof, and of all debts due to and from the county, and of all other proceedings in his office, so that the receipts into the treasury and the amounts of disbursements, together with the debts due to and from the county, may distinctly appear.

4113. If any county treasurer neglect or refuse to settle or report, as required in sections forty-one hundred and eleven and forty-one hundred and twelve, he forfeits and must pay to the county the sum of five hundred dollars for every such neglect or refusal, and the board of supervisors must institute suits for the recovery thereof.

4114. If the district attorney refuse or neglect to account for and pay over money received by him, as required by the fifth subdivision of section forty-one hundred and fifty-three, he shall be liable for such refusal or neglect upon his official bond, and the county treasurer must bring an action against him for the recovery thereof, in the name of the county, and may recover in such action, in addition to the amount so received, fifty per cent thereon by way of damages. And no order of the board of supervisors shall be necessary to bring such action. His reasonable expenses, including attorney's fees, shall be a county charge.

4115. The treasurer, upon receiving from the coroner, or justice of the peace acting as coroner, money found on a dead body, must place it to the credit of the county; on receiving other property in like manner, he must, within thirty days, sell it at public auction, upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county. All said moneys must be kept in a separate fund.

4116. If the money in the treasury is demanded within six years, by the legal representatives of the decedent, the treasurer must pay it to them, after deducting the fees and expenses of the coroner, and of the county, in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the board of supervisors.

4117. The treasurer must keep all moneys belonging to this state, or to any county of this state, in his own possession, until disbursed according to law. He must not place the same in the possession of any person, to be used for any purpose; nor must he loan, or in any manner use, or permit any person to use the same, except as provided by law; but nothing in this section prohibits him from making special deposits for the safe-keeping of the public moneys; but he shall be liable therefor on his official bond.

4118. Whenever an action, based upon official misconduct, is commenced against any county treasurer, the supervisors may, in their discretion, suspend him from office until such suit is determined, and may appoint some person to fill the vacancy, who shall qualify and give such bond as may be required by the board of supervisors.

4119. In case of the death of any county treasurer, his legal representatives must deliver up to the person appointed to fill the vacancy occasioned by such death, all official moneys, books, accounts, papers, and documents which are or may come into their possession.

4120. The books, accounts, and vouchers of the treasurer are at all times subject to the inspection and examination of the board of supervisors and grand jury.

4121. The treasurer must permit the chairman of the board of supervisors, district attorney, and auditor, to examine his books and count the money in the treasury, whenever they may wish to make an examination or counting.

4122. The treasurer is hereby authorized to receive any money constituting a gift or bequest, or the money resulting or accruing from any gift, bequest or devise and pay the same out in accordance with the terms thereof, or when none are fixed, then according to law.

ARTICLE IV.

THE ASSESSOR.

Section 4125. Duties of.

4125. The assessor must perform such duties as are prescribed in title nine, part three, of this code, and such other duties as are required by law; *provided*, that where any salary is allowed to the assessor, by law, then where such officer is charged, or to be charged, with the making of maps or block books, he shall be allowed the actual cost of making the same, and must file with the county auditor a sworn statement, monthly, showing in detail the names of persons, and amounts paid to each for such expense, and the assessor must thereupon pay over and account to the county, or city and county, for the difference between any amount allowed for such purpose, and the amount actually expended by him therefor.

ARTICLE V.

THE TAX COLLECTOR.

Section 4126. Duties of.

4126. The tax collector must perform such duties as are prescribed in title nine, part three, of this code, and as license collector shall collect all county licenses, and shall perform such other duties as are required by law. He shall, at least once a month and oftener, in his discretion, pay the public money in his hands into the county treasury, taking the receipt of the treasurer therefor.

ARTICLE VI.

THE LICENSE COLLECTOR.

Section 4127. Duties of.

4127. The tax collector shall be ex officio license collector, and as license collector shall perform the duties prescribed by law, and by the ordinances of the board of supervisors.

ARTICLE VII.

THE RECORDER.

Section 4130. Duties of.
4131. What to be recorded.
4132. What indexes to be kept.
4133. Certificates of sale.
4134. Final judgments.
4135. Decrees in partition.
4136. Two or more indices.
4137. Endorse documents.
4138. Time book, etc.
4139. To take acknowledgments.
4140. Penalty for neglect or misconduct.
4141. Not to render service without fees.
4142. Records open to inspection.
4142*a*. When contracts, plans and specifications may be returned or destroyed.
4142*b*. Recording of instruments when records lost, injured or destroyed by conflagration.
4142*c*. Duties with reference to registration of deaths, issuance and registration of burial and disinterment permits, and the establishment of registration districts.

4130. The recorder must procure such books for records as the business of his office requires, but orders for the same must first be obtained from the board of supervisors. The books used may contain printed forms of deeds, mortgages, or other instruments of general use. He has the custody of, and must keep all books, records, maps, and papers deposited in his office.

4131. He must, upon the payment of his fees for the same, record, separately, in a fair hand, or typewriting, in large and well-bound separate books, either sewed books or an insertable leaf, which when placed in the book cannot be removed:

1. Deeds, grants, transfers, and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate, and leases which have been acknowledged or proved.
2. Mortgages of personal property.
3. Certificates of marriage and marriage contracts.

4. Wills admitted to probate.
5. Official bonds.
6. Notices of mechanics' liens.
7. Transcripts of judgments, which by law are made liens upon real estate in this state.
8. Notices of attachments upon real estate.
9. Notices of the pendency of an action affecting real estate, the title thereto, or the possession thereof.
10. Instruments describing or relating to the separate property of married women.
11. Notices of pre-emption claims.
12. Births and deaths; and,
13. Such other writings as are required or permitted by law to be recorded.

4132. Every recorder must keep:

1. An index of deeds, grants, and transfers, labeled "Grantors," each page divided into four columns, headed, respectively: "Names of Grantors," "Names of Grantees," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

2. An index of deeds, labeled "Grantees," each page divided into four columns, headed, respectively: "Names of Grantees," "Names of Grantors," "Date of Deeds, Grants, or Transfers," and "Where Recorded."

3. Two indices of mortgages, labeled, respectively: "Mortgagors of Real Property," "Mortgagors of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagors," "Names of Mortgagees," "Date of Mortgages," "Where Recorded," "When Discharged."

4. Two indices of mortgages, labeled, respectively: "Mortgagees of Real Property," "Mortgagees of Personal Property," with the pages thereof divided into five columns, headed, respectively: "Names of Mortgagees," "Names of Mortgagors," "Date of Mortgages," "Where Recorded," "When Discharged."

5. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagors," "Releases of Mortgages of Personal Property—Mortgagors," with pages thereof divided into six columns, headed, respectively: "Parties Releasing," "To Whom Releases are Given," "Date of Releases," "Where Releases are Recorded," "Date of Mortgages Released," "Where Mortgages Released are Recorded."

6. Two indices of releases of mortgages, labeled, respectively: "Releases of Mortgages of Real Property—Mortgagees," "Releases of Mortgages of Personal Property—Mortgagees," with pages thereof divided into four columns, headed, respectively: "Parties Whose Mortgages are Released," "Parties Releasing," "Date of Releases," "Where Recorded."

7. An index of powers of attorney, labeled: "Powers of Attorney," each page divided into five columns, headed, respectively: "Names of Parties Executing the Powers," "To Whom Powers are Executed," "Date of Powers," "Date of Recording," "Where Powers are Recorded."

8. An index of leases, labeled: "Leases—Lessors," each page divided into four columns, headed, respectively: "Names of Lessors," "Names of Lessees," "Date of Leases," "When and Where Recorded."

9. An index of leases, labeled: "Leases—Lessees," each page divided into four columns, headed, respectively: "Names of Lessees," "Names of Lessors," "Date of Leases," "When and Where Recorded."

10. An index of marriage certificates, labeled: "Marriage Certificates—Men," each page divided into six columns, headed, respectively: "Men Married," "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

11. An index of marriage certificates, labeled: "Marriage Certificates—Women," each page divided into six columns, headed, respectively: "Women Married" (and under this head placing the family names of the women), "To Whom Married," "When Married," "By Whom Married," "Where Married," "Where Certificates are Recorded."

12. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignors," each page divided into five columns, headed, respectively: "Assignors," "Assignees," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

13. An index of assignments of mortgages and leases, labeled: "Assignments of Mortgages and Leases—Assignees," each page divided into five columns, headed, respectively: "Assignees," "Assignors," "Instruments Assigned," "Date of Assignment," "When and Where Recorded."

14. An index of wills, labeled: "Wills," each page divided into four columns, headed, respectively: "Names of Testators," "Date of Wills," "Date of Probate," "When and Where Recorded."

15. An index of official bonds, labeled: "Official Bonds," each page divided into five columns, headed, respectively: "Names of Officers," "Names of Offices," "Date of Bonds," "Amount of Bonds," "When and Where Recorded."

16. An index of notices of mechanics' liens, labeled: "Mechanics' Liens," each page divided into three columns, headed, respectively: "Parties Against Whom Claimed," "Parties Claiming Liens," "Notices—When and Where Recorded."

17. An index to transcripts of judgments, labeled: "Transcripts of Judgments," each page divided into seven columns, headed, respectively: "Judgment Debtors," "Judgment Creditors," "Amount of Judgments," "Where Recovered," "When Recovered," "When Transcript Filed," "When Judgment Satisfied."

18. An index of attachments, labeled: "Attachments," each page divided into six columns, headed, respectively: "Parties Against Whom Attachments are Issued," "Parties Issuing Attachments," "Notices of Attachments," "When Recorded," "Where Recorded," "When Attachments Discharged."

19. An index of notices of the pendency of actions, labeled, "Notices of Actions," each page divided into three columns, headed, respectively: "Parties to the Action," "Notices—When Recorded," "Where Recorded."

20. An index of the separate property of married women, labeled: "Separate Property," each page divided into five columns, headed, respectively: "Names of Married Women," "Names of their Husbands," "Nature of Instruments Recorded," "When Recorded," "Where Recorded."

21 An index to the register of births and deaths.

22. An "Index to Certificates of Residence."

23. An index of mining locations and of documents affecting same, labeled: "Mining Locations," divided into suitable columns showing the name of locator, date of location, date of recording and place where claim is located.

24. An index suitable for the provisions of "An act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897.

25 Such other indices and books of record as may be required in the performance of his official duties.

4133. The recorder must keep in his office a book, to be called "Certificates of Sales," and record therein all certificates of sales of real estate sold under execution, or under order made in any judicial proceeding. He must also prepare an index thereto, in which, in separate columns, he must enter the names of the plaintiff in the execution, the defendant in the execution, the purchaser at the sale, and the date of the sale.

4134. The recorder must file and record in the record of deeds, grants, and transfers, certified copies of final judgments or decrees partitioning or affecting the title or possession of real property, any part of which is situate in the county of which he is recorder.

4135. Every such certified copy of a judgment or decree mentioned in the preceding section, partition, from the time of filing the same with the recorder for record, imparts notice to all persons of the contents thereof; and subsequent purchasers, mortgagees, and lienholders purchase and take with like notice and effect as if such copy of decree was a duly recorded deed, grant, or transfer.

4136. The recorder may keep in the same volume any two or more of the indices mentioned in section forty-one hundred and thirty-two; but the several indices must be kept distinct from each other, and the volume distinctly marked on the outside in such a way as to show all the indices kept therein. The names of the parties in the first column in the several indices must be arranged in alphabetical order, and when a conveyance is executed by a sheriff, the name of the sheriff and the party charged in the execution must both be inserted in the index; and when an instrument is recorded to which an executor, administrator, or trustees is a party, the name of such executor, administrator, or trustee, together with the name of the testator, or intestate, or party for whom the trust is held, must be inserted in the index.

4137. When any instrument, paper, or notice, authorized by law to be recorded, is deposited in the recorder's office for record, the recorder must indorse upon the same the time when it was received, noting the year, month, day, hour and minute of its reception, the amount of fees for recording, and must record the same without delay, together with the acknowledgments, proofs, and certificates, written upon or annexed to the same, with the plats, surveys, schedule, and other papers thereto annexed, in the order in which the same were received for record, and must note at the foot of the record the exact time of its reception, and the name of the person at whose request it was recorded.

4138. He must also indorse upon each instrument, paper, or notice the time when, the book, and pages in which it is recorded, and must thereafter deliver it to the party leaving the same for record, or upon his order.

4139. It shall be the duty of the recorder, upon the payment or tender of the fees therefor, to take and certify the acknowledgment of all instruments authorized by law to be acknowledged.

4140. If any recorder to whom an instrument, proved or acknowledged according to law, or any paper or notice which may by law be recorded, is delivered for record:

1. Neglects or refuses to record such instrument, paper, or notice within a reasonable time after receiving the same;

2. Records any instrument, paper, or notice, willfully or negligently, untruly, or in any other manner than is hereinbefore directed;

3. Neglects or refuses to keep in his office such indices as are required by this article, or to make the proper entries therein; or,

4. Alters, changes, or obliterates any records deposited in his office, or inserts any new matter therein, he is liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby.

4141. He shall not record any instrument, or file any paper or notice, or furnish any copy, or render any service connected with his office, until the fees for the same, as prescribed by law, are, if demanded, paid or tendered.

4142. All books of record, maps, charts, surveys, and other papers on file in the recorder's office, must, during office hours, be open for inspection by any person, without charge; and the recorder must arrange the books of record and indices in his office in such suitable places as to facilitate their inspection.

4142*a*. After the expiration of two years from the date of filing in the recorder's office of notice of completion of any building or improvement, the contract, plans and specifications under which the work or improvement was performed may be returned by the recorder to the person filing the same unless the recorder has been notified in writing to retain the same by some one claiming some interest under such contract or in the property affected thereby. If no such notice be given the recorder may, after the expiration of said two years, destroy such contract, plans and specifications.

4142*b*. 1. Whenever any record of any instrument has been, or shall hereafter be, lost, injured or destroyed by conflagration or other public calamity, the recorder of such county, or city and county is hereby authorized and directed to record any instrument of writing entitled to record under the provisions of Article VII, Chapter V, Title II, Part IV, of this code, which instrument of writing had been previously recorded in his office. In recording the same, the recorder shall record all certificates attached thereto and all endorsements thereon, and if any of such certificates or endorsements show the previous recording of the same in the county, or city and county, where said instrument is presented for record, the date appearing in such certificate or instrument of such record shall be deemed and taken as the date of the recording thereof in said county or city and county, where said instrument is presented for record. Such record and certified copies thereof, duly certified by the recorder of any such county, or city and county, under his seal of office, may be introduced in evidence, with the same force and effect as the original record or certified copies of the original record.

2. Whenever any record of any instrument has been, or shall hereafter be, lost, injured or destroyed by conflagration or other public calamity, the recorder of such county, or city and county is hereby authorized and directed, when presented to him for record, to record any instrument of writing entitled to record under the provisions of Article VII, Chapter V, Title II, Part IV, of this code, which said instrument of writing shall have been or shall be duly certified by the recorder of any other county, or city and county, of this State as being of record in his office. In recording the same, the recorder shall record all certificates attached thereto, or endorsements thereon, and if any of such certificates or endorsements show the previous recording of the same in the county, or city and county, where the said certified copy of the said instrument is presented for record, the date appearing in such certificate or endorsement of such record shall be deemed and taken as the date of the recording thereof in said county, or city and county recorder's office, where the said certified copy is so presented for record. Said record and certified copies of any such record, duly certified by the recorder of any such county, or city and county, under his seal of office, may be introduced in evidence with the same force and effect as the original record or certified copies of the original record.

3. Such county, or city and county recorder shall be entitled, for his services hereunder, to receive the same amount of fees as he is entitled to receive for the recording of instruments of like character.

4142*c*. Each county recorder shall have the powers and shall perform the duties within the county of which he is the recorder, which are prescribed and required by the provisions of an act entitled "An act for the registrations of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for violation of this act," approved March 18, 1905. He shall also have powers, and shall perform the duties within the county of which he is such officer which are prescribed and required by the provisions of Chapter III, Title VII, of Part III, of this code, relating to the registry of births, marriages and deaths.

ARTICLE VIII.

THE CORONER.

Section 4143. Duties of.
4144. Must cause bodies to be buried.
4145. Must keep official register.
4146. Duties as to property of deceased persons.
4147. Justices of the peace to act as coroner, when.
4148. Coroner to act as sheriff, when.

4142*a*. After the expiration of two years from the date of filing in the recorder's twelve, part two, of the Penal Code. The coroner, or other officer holding the inquest upon the body of a deceased person, may subpœna a chemist to make an analysis of the contents of the stomach or of the tissues of the body, or a physician or surgeon to inspect the body, or hold a post mortem examination of the deceased, and give a professional opinion as to the cause of death, and shall cause the testimony given by any witness to be reduced to writing, under his direction, and may, upon the written order of the district attorney, employ a clerk or stenographer for such purpose, at the same compensation allowed to stenographers in the superior court of the county; and when such testimony is taken down by a stenographer, his transcription thereof, duly certified to, shall constitute the deposition of such witness.

4144. When an inquest is held by the coroner, and no other person takes charge of the body of deceased, he must cause it to be decently interred; and if there is not sufficient property belonging to the estate of the deceased to pay the necessary expenses of the burial, the expenses are a legal charge against the county.

4145. It shall be the duty of the coroner of each county to keep an official register, to be labeled "Coroner's Register," in which he shall enter the date of holding all inquests, the name of the deceased, when known, and when not, such description of the deceased as may be sufficient for identification; property found on the person of deceased, if any; what disposition was made of the same by the coroner; the cause of death, when known, and such other information as may pertain to the identity of the deceased.

4146. The coroner must, within thirty days after an inquest upon a dead body, deliver to the treasurer, or the legal representatives of the deceased, any money or other property found upon the body, and at the same time file an affidavit with the treasurer, showing:

1. The amount of money or other property belonging to the estate of the deceased person which has come into his possession since his last statement.

2. The disposition made of such property.

3. If the coroner, or any justice of the peace acting as coroner, fail to deliver to the treasurer, within thirty days after any inquest upon a dead body, all money and property found upon such body, unless claimed in the meantime by the public administrator, or other legal representative of the decedent, as required by this section, the district attorney must proceed against the coroner, or justice of the peace acting as coroner, to recover the same, by civil action, in the name of the county.

4147. If the office of coroner is vacant, or he is absent, or unable to attend, the duties of his office may be discharged by any justice of the peace of the county, with the like authority, and subject to the same obligations and penalties, as the coroner.

4148. In the cases specified in section forty-one hundred and seventy-two, the coroner must discharge the duties of sheriff.

ARTICLE IX.

THE LIVE STOCK INSPECTOR.

Section 4149. Appointed by supervisors, when.
4149*a*. Duties of.

4149. The live stock inspector shall be appointed by the board of supervisors whenever in the discretion of such board the interest of the public welfare demands the services of such an officer, and such officer shall hold his office at the pleasure of the appointing power. He shall receive a salary in the sum of one hundred and twenty-five dollars per month, which salary shall be paid at the same time and in the same manner and out of the same funds that other county officers are paid.

4149*a*. It shall be the duty of the live stock inspector, acting under the supervision of the state veterinarian, to enforce all laws of the State of California, and all orders and ordinances of the board of supervisors of his county pertaining to the health and sanitary surroundings of all live stock in his county, and for that purpose he is hereby authorized and empowered, by and with the approval of the board of supervisors, to establish, maintain, and enforce such quarantine, sanitary and other regulations as he may deem proper and neces-

sary. He shall give to the duties of his office such time and attention as may be necessary to secure the general protection and advancement of all matters pertaining to the health and sanitary condition of the domestic live stock of his county.

ARTICLE X.

THE FISH AND GAME WARDEN.

Section 4149*b*. Appointment, removal, and bond.
4149*c*. Duties of.
4149*d*. Salary.

4149*b*. The board of supervisors of each county may, in the discretion of the board, at the first meeting thereof held in January, nineteen hundred and nine, and in January every two years thereafter, appoint a suitable person to serve for the period of two years from the date of his appointment as fish and game warden of the county. Such fish and game warden may be removed by the board of supervisors for intemperance, neglect of duty, or other good and sufficient reasons. Said fish and game warden shall, before entering upon the discharge of his duties, execute a bond with sureties in such sum as may be required by the board of supervisors, for the faithful and proper discharge of his duties as such fish and game warden.

4149*c*. Said fish and game warden shall enforce the state laws, and all county and municipal ordinances relating to the protection of fish and game, and he shall be vested with all the powers of a peace officer to make arrests for the violation of such laws and ordinances. He shall report quarterly to the board of supervisors giving a detailed statement of all arrests made, convictions had and fines collected, and a general statement in regard to the management of his office.

4149*d*. The salary and compensation of the fish and game warden shall be as follows: For counties of the second class, one hundred and twenty-five dollars per month; for counties of the first and third classes, one hundred dollars per month; for counties of the fourth, fifth and sixth classes, the sum of seventy-five dollars per month; for counties of the seventh, eighth, ninth and tenth classes the sum of sixty dollars per month; and for all other classes from eleventh to the fifty-seventh, inclusive, the sum of fifty dollars per month. In addition thereto said warden shall be allowed a sum not to exceed twenty-five dollars per month for expenses incurred by him in the performance of his duties. Said salary and expenses incurred must be paid monthly from the county treasury.

CHAPTER VI.

JUDICIAL DEPARTMENT.

ARTICLE I. The superior court.
II. The clerk of the superior court.
III. The district attorney.
IV. The sheriff.
V. The county clerk.
VI. The official reporter.
VII. The public administrator.
VIII. The justice's court.
IX. Constables.
X. The law library.

ARTICLE I.

THE SUPERIOR COURT.

Section 4150. Duties of judge of superior court.
4151. Same, when grand jury is in session.

4150. Each judge of the superior court must:

Perform such duties as are prescribed by the laws of the state and in this title.

4151. It shall be the duty of the judge of the superior court of each and every county whenever a grand jury is empaneled, in addition to other matters requiring action, to call their attention to the provisions of Chapter I of this title, and to instruct them to ascertain by a careful and diligent investigation whether the provisions thereof have been complied with, and to note the result of such investigation in their report.

ARTICLE II.

THE CLERK OF THE SUPERIOR COURT.

Section 4152. Duties of.

4152. The county clerk is an ex-officio clerk of the superior court, and shall perform the duties required of him by law, and such as may be prescribed by this title.

ARTICLE III.

THE DISTRICT ATTORNEY.

Section 4153. Duties of.
4154. Legal adviser of the board of supervisors.
4155. Must not favor claims.
4156. Must abate public nuisances, when.
4156*a*. Other duties.

4153. The district attorney is the public prosecutor, and must:

1. Attend the courts, and conduct, on behalf of the people, all prosecutions for public offenses.

2. Institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose, when not engaged in criminal proceedings in the superior court, or in civil cases on behalf of the people, must attend upon the magistrates in cases of arrest, when required by them, and attend before and give advice to the grand jury, whenever cases are presented to them for their consideration.

3. Draw all indictments and informations, defend all suits brought in his county against the state or his county wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county.

4. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the county treasurer.

5. On the first Monday of each month file with the auditor an account, verified by his oath, of all moneys received by him in his official capacity during the preceding month, and at the same time pay them over to the county treasurer.

6. Give, when required, and without fee, his opinion in writing, to county, district, and township officers, on matters relating to the duties of their respective offices.

4154. The district attorney is the legal adviser of the board of supervisors. He must attend their meetings, when required, and must attend and oppose all claims and accounts against the county, when he deems them unjust and illegal.

4155. The district attorney, except for his own services, must not present any claim, account, or demand for allowance against the county, nor in any way advocate the relief asked on any claim or demand made by another.

4156. The district attorney may, and when directed by the board of supervisors must, bring a civil action in the name of the people of the State of California, to abate a public nuisance in his county.

4146*a*. The district attorney must perform such other duties as are required by law.

ARTICLE IV.

THE SHERIFF.

Section 4157. Duties of.
4158. Process and notices.
4159. Return of, on process.
4160. Liability of.
4161. Neglect, or refusal to execute writ, penalty of.
4162. Neglect or refusal to pay over money, penalty of.
4163. Liable for escape of prisoners.
4164. Same.
4165. When not liable.
4166. Authority to execute a process, must be in writing.
4167. When office of, vacant.
4168. Must execute order.
4169. Officer to exhibit process.
4170. Must act as court crier.
4171. Service of process upon.
4172. Coroner to execute process, when.
4173. Elisors to serve process, when.
4174. Other duties of.
4175. Compensation of sheriffs for transporting prisoners.
4176. Compensation of sheriffs for transporting insane persons.

4157. The sheriff must:

1. Preserve the peace.

2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit, or who have committed, a public offense.

3. Prevent and suppress any affrays, breaches of the peace, riots, and insurrections which may come to his knowledge.

4. Attend all superior courts held within his county, and obey all lawful orders and directions of all courts held within his county.

5. Command the aid of as many male inhabitants of his county as he may think necessary in the execution of these duties.

6. Take charge of and keep the county jail, and the prisoners therein.

7. Release on the record all attachments of real property, when the attachment placed in his hand has been released or discharged.

8. Indorse upon all process and notices the year, month, day, hour, and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper, and time when received.

9. Serve all process and notices in the manner prescribed by law.

10. Certify, under his hand, upon process or notices, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

4158. When process or notices are returnable to another county, he may inclose such process or notice in an envelope, addressed to the officer from whom the same emanated, and deposit it in the post office, prepaying postage.

4159. The return of the sheriff upon process or notices is prima facie evidence of the facts in such return stated.

4160. If a sheriff does not return a process or notice in his possession, with the necessary indorsement thereon, without delay, he is liable to the party aggrieved for the sum of two hundred dollars, and for all damages sustained by him.

4161. If the sheriff to whom a writ of execution is delivered neglects or refuses, after being required by the creditor or his attorney, the fees having first been paid or tendered, to levy upon or sell any property of the party charged in the writ, which is liable to be levied upon and sold, he is liable to the creditor for the value of such property.

4162. If he neglects or refuses to pay over, on demand, to the person entitled thereto, any money which may come into his hands by virtue of his office (after deducting all legal fees), the amount thereof, with twenty-five per cent damages, and interest at the rate of ten per cent per month, from the time of demand, may be recovered by such person.

4163. A sheriff who suffers the escape of a person arrested in a civil action, without the consent or connivance of the party in whose behalf the arrest or imprisonment is made, is liable as follows:

1. When the arrest is upon an order to hold to bail, or upon a surrender in exoneration of bail before judgment, he is liable to the plaintiff as bail.

2. When the arrest is on an execution or commitment to enforce the payment of money, he is liable for the amount expressed in the execution or commitment.

3. When the arrest is on an execution or commitment other than to enforce the payment of money, he is liable for the actual damages sustained.

4. Upon being sued for damages for an escape or rescue, he may introduce evidence in mitigation and exculpation.

4164. He is liable for the rescue of a person arrested in a civil action, equally as for an escape.

4165. An action cannot be maintained against the sheriff for a rescue, or for an escape of a person arrested upon an execution or commitment, if, after his rescue or escape, and before the commencement of the action, the prisoner returns to the jail, or is retaken by the sheriff.

4166. No direction or authority by a party or his attorney to a sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, is available to discharge or excuse the sheriff from a liability for neglect or misconduct, unless it is contained in a writing, signed by the attorney of the party, or by the party, if he has no attorney.

4167. When the sheriff is committed, under an execution or commitment, for not paying over money received by him by virtue of his office, and remains committed for sixty days, his office is vacant.

4168. A sheriff or other ministerial officer is justified in the execution of, and must execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued.

4169. The officer executing process must then, and at all times subsequent, so long as he retains it, upon request, show the same, with all papers attached, to any person interested therein.

4170. The sheriff in attendance upon court must act as the crier thereof, call the parties and witnesses, and all other persons bound to appear at the court, and make proclamation of the opening and adjournment of the court, and of any other matter under its direction.

4171. Service of a paper, other than process, upon the sheriff may be made by delivering it to him or to one of his deputies, or to a person in charge of the office during office hours; or, if no such person be there, by leaving it in a conspicuous place in the office. When any process remains with the sheriff unexecuted, in whole or in part, at the time of his death, resignation of office, or at the expiration of his term of office, said process shall be executed by his successor or successors in office; and when the sheriff sells real estate, under and by virtue of an execution or order of court, he or his successors in office shall execute and deliver to the purchaser or purchasers all such deeds and conveyances as are required by law and necessary for the purpose, and such deeds and conveyances shall be as valid in law as if they had been executed by the sheriff who made the sale.

4172. When the sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the sheriff to execute, must be executed by the coroner of the county; *provided*, when any action is begun against the sheriff, all process and orders may be served by any person, a citizen of the United States over the age of eighteen years, in the manner provided in the Code of Civil Procedure.

4173. Process or orders in an action or proceeding may be executed by a person residing in the county, designated by the court, or the judge thereof, and denominated an elisor, in the following cases:

1. When the sheriff and coroner are both parties;

2. When either of these officers is a party, and the process is against the other; and,

3. When either of these officers is a party, and there is a vacancy in the office of the other, or where it appears, by affidavit, to the satisfaction of the court in which the proceeding is pending, or the judge thereof, that both of these officers are disqualified, or by reason of any bias, prejudice, or other cause, would not act promptly or impartially.

When process is delivered to an elisor, he must execute and return it in the same manner as the sheriff is required to execute similar process. Whenever process is executed, or any act performed by a coroner or elisor, in the cases provided by law in that behalf, such coroner or elisor shall be entitled to receive a reasonable compensation, to be fixed by the court, to be paid by the plaintiff in case of the summoning of jurors to complete the panel, and by the person or party requiring the service in all other cases in private action. If rendered at the instance of the people, it shall be audited and paid as a county charge.

4174. The sheriff must perform such other duties as are required by law.

4175. There shall be allowed by the state board of examiners, to the sheriff, to be retained by him for his own use, for delivering a prisoner to either of the state prisons, actual expenses and five dollars per diem for the time necessarily consumed in delivering such prisoner.

4176. There shall be allowed by the state board of examiners to the sheriff, to be retained by him for his own use, unless otherwise provided in this title, for delivering any insane person to either of the state hospitals for the care and treatment of the insane, his actual expenses and the same per diem as is allowed in the preceding section.

ARTICLE V.

THE COUNTY CLERK.

Section 4178. Duties of.
4179. Other duties of.

4178. The county clerk must:

1. Take charge of and safely keep, or dispose of according to law, all books, papers, and records which may be filed or deposited in his office.

2. Act as clerk of the board of supervisors and as clerk of the superior court, and attend each session thereof, and upon the judge at chambers, when required.

3. Issue all process and notices required to be issued; enter a synopsis of all orders, judgments, and decrees proper to be entered, unless the court shall order them to be entered at length; keep in the superior court a docket, in which must be entered the title of each cause, with the date of its commencement; a memorandum of every subsequent proceeding therein, with date thereof and a list of all the fees charged.

4. Keep for the superior court an index of all suits, labeled "General Index—Plaintiffs," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Plaintiffs," "Defendants," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page of Minute Book"; also an index, labeled "General Index—Defendants," each page of which must be divided into seven columns, under their respective heads, alphabetically arranged, as follows: "Number of Suit," "Defendants," "Plaintiffs," "Date of Judgment," "Number of Judgment," "Page of Entry of Judgment in Judgment Book," "Page in Order Book"; keep an index of the names of persons naturalized.

5. Keep as one of the records of his office a volume labeled "Bond and Surety Companies," each page of which must be divided into six columns appropriate to enter therein:

(1) The name of corporations engaged in this state in the business of making, guaranteeing, or becoming a surety upon bonds or undertakings required or authorized by law;

(2) The name of the state, territory, or country under whose laws such corporation is organized;

(3) The date of certificate of authorization to such corporation to do business in this state;

(4) The date of surrender, revocation, cancellation, annulment, or suspension of such certificate;

(5) The date of the new authority to do business in this state;

(6) And one blank column;

And must enter in said volume the names of such corporations alphabetically arranged and any facts concerning such corporations certified to such county clerk by the insurance commissioner of this state.

6. Keep such other indices as may be required in the performance of the duties of his office.

4179. He must keep such other records and perform such other duties as are prescribed by law.

ARTICLE VI.

THE OFFICIAL REPORTER.

Section 4180. Duties of.

4180. The official reporter shall perform the duties required of him by law, and such as may be prescribed in this title.

ARTICLE VII.

THE PUBLIC ADMINISTRATOR.

Section 4181. Duties of.
4182. Must keep register.
4183. Coroner must act as, when.

4181. The public administrator must perform such duties as are prescribed in chapter thirteen, title eleven, part three of the Code of Civil Procedure, and shall perform such other duties as are required by law.

4182. It shall be the duty of the public administrator to keep a book, to be labeled "Register of Public Administrator," in which he shall enter the name of every deceased person on whose estate he shall administer, the date of granting letters, money received, the property appraised and its value, proceeds of all sales of property, the amount of his fees, the expenses of administration, the amount of estate after all charges and expenses have been paid, the disposition of property on distribution, the date of discharge of administrator, and such other matters as may be necessary to give a full and complete history of each estate administered by him. The publication of the semi-annual report required to be made by the public administrator shall be a county charge.

4183. If the public administrator of any county fails to qualify or in person fails to perform the duties of his office the coroner of such county shall be ex officio public administrator, and in case both the public administrator and the coroner fail to qualify or to perform the duties appertaining thereto the board of supervisors shall appoint a suitable person as public administrator; and all laws applicable to the qualification, powers, duties, and compensation of public administrators shall apply to the coroner or appointee of such board.

ARTICLE VIII.

THE JUSTICE'S COURT.

Section 4185. Duties of justice of the peace.
4186. Same—Must post statement of fees in his office.

4185. Justices of the peace must perform such duties as are prescribed in title eleven, part two, of the Code of Civil Procedure, and such other duties as are prescribed by law.

4186. It shall be the duty of each justice of the peace to prepare, and keep posted in a conspicuous place in his office, a plain and legible statement of the fees allowed by law to justices of the peace and constables, upon pain of forfeiting, for failure so to do, fifty dollars, to be recovered, with costs, by any person, before any other justice of the peace of the county.

ARTICLE IX.

CONSTABLES.

Section 4187. Duties of.
4188. Certain sections applicable to constables.

4187. Constables must attend the courts of justices of the peace within their townships whenever so required, and within their counties execute, serve and return all writs, processes and notices directed or delivered to them by justices of the peace of such county, or by any competent authority; *provided, however*, that no constable shall have jurisdiction or authority to serve any writ, notice, or other process issued by any justice or justice's court of any township other than the justice or justice's court of the township in and for which he may be constable, without the boundaries of the township in and for which he is constable, and any service by a constable of any writ, notice, or other process issued by any justice or justice's court of any township other than the township in and for which he is duly elected and qualified constable, outside of the boundaries of the township in and for which he is such constable, shall be void. Constables shall charge and collect for their services such fees as are now or may hereafter be allowed.

4188. All provisions of sections forty-three hundred and nineteen, forty-one hundred and fifty-seven, forty-one hundred and fifty-eight, forty-one hundred and fifty-

nine, forty-one hundred and sixty, forty-one hundred and sixty-one, forty-one hundred and sixty-two, forty-one hundred and sixty-three, forty-one hundred and sixty-four, forty-one hundred and sixty-five, forty-one hundred and sixty-six, forty-one hundred and sixty-seven, forty-one hundred and sixty-eight, forty-one hundred and sixty-nine, forty-one hundred and seventy, forty-one hundred and seventy-one, except the fourth and sixth subdivisions of section forty-one hundred and fifty-seven, apply to constables, and govern their powers, duties and liabilities.

ARTICLE X.

THE LAW LIBRARY.

Section 4190. How established and governed; fund for, created.
4191. For what purposes fund may be used.
4192. Trustees of, managers of board of.
4193. Trustees of, how constituted.
4194. Trustees to serve without compensation.
4195. Trustees, duties and powers of.
4196. Duties of auditor and treasurer on demand of trustees.
4197. Trustees of, annual report of.
4198. Supervisors to furnish room for.
4199. Trustees, meeting and officers of.
4200. When entitled to privileges of.
4201. Secretary of state to furnish publications to.
4202. Librarian of supreme court library to furnish duplicates of books to.
4203. Repeal of certain laws. Limitations on effect of this article.
4204. May be discontinued, how.

4190. On the commencement in, or removal to, the superior court of any county in this state of any civil action, proceeding, or appeal, on filing the first papers therein, the party instituting such proceeding, or filing the said first papers, and thereafter any defendant or respondent or adverse party, or intervening party, on his first appearance therein (or any number of such defendants or respondents or adverse parties appearing jointly therein), shall pay to the clerk of said court (in addition to fees fixed by law), the sum of one dollar as costs, for a fund which shall be designated as the "Law Library Fund," to be expended in the purchase of law books and periodicals, and in the establishment and maintenance of a law library at the county seat of said county, which law library shall be governed and controlled, and said fund be expended by the board of trustees hereinafter provided.

4191. All moneys collected as provided in the preceding section shall be paid by said clerk into the hands of the treasurer of his county, who shall keep the same separate and apart in the "Law Library Fund," and shall be drawn therefrom as in this article provided, but only to be used and applied to the purposes herein authorized.

4192. Any law library established under the provisions of this act shall be governed and managed by the "Board of Law Library Trustees" in this article provided.

4193. There shall be in every county of this state a board of law library trustees, consisting of five members, to be constituted as follows: In every county where there are only three superior court judges, the said judges shall be ex-officio such library trustees; the chairman of the board of supervisors shall be ex-officio such a trustee; and the board of supervisors shall appoint a member of the bar of the county to act as such trustee; such appointment shall be made at the first meeting of the board of supervisors after the establishment of a law library in such county, and the appointee shall serve until the first meeting of the board of supervisors in the succeeding January; and the said board shall, at any such meeting in each succeeding January, appoint such a trustee to serve for the term of one year. In every county where there are more than three judges of the superior court, the judges of such county shall elect three of their number to serve as such trustees, and otherwise said board shall be as provided in this section. In all counties where there are less than three judges of the superior court, the board shall be constituted as provided in this section, save that the board of supervisors shall appoint sufficient members of the bar to make up the requisite number of trustees.

4194. The office of trustee shall be honorary, and without salary or other compensation.

4195. Such board of trustees, by a majority vote of all their members, to be recorded in the minutes, with the ayes and noes at length, shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

Second—To remove any trustee except an ex-officio trustee who may neglect to attend the meetings of the board of trustees, or who may absent himself from such meetings, and fill all vacancies that may from any cause occur in the board.

Third—To define the powers and prescribe the duties of any and all officers, determine the number, and elect all necessary subordinate officers and assistants, and at their pleasure remove any officer or assistant.

Fourth—To purchase books, journals, publications, and other personal property.

Fifth—To order the drawing and payment, upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the law library fund, for any liability or expenditure herein authorized, and generally to do all that may be necessary to carry into effect the provisions of this article.

Sixth—To fix the salaries of the librarian, secretary and other subordinate officers and assistants.

Seventh—To contract with any existing law library association to make use of its library for the purposes of a public law library, under proper rules and regulations to be prescribed by the board of trustees, either by lease or such other contract as may best carry the purposes of this article into effect.

4196. The orders and demands of the trustees of any such public law library, when duly made and authenticated as above provided, shall be verified and audited by the auditing officer, and paid by the treasurer of such county out of the library fund properly belonging thereto, of which full entry and record shall be kept as in other cases.

4197. The said board of trustees, on or before the first Monday in December of each year, shall make an annual report to the board of supervisors of their county, giving the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals, and other publications on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing, and such other information as might be of interest. A financial report, showing all receipts and disbursements of money, shall also at the same time be made by the secretary of the board of trustees, duly verified by his oath.

4198. The board of supervisors of any such county shall provide a library-room for the use of such library, whenever such room may be demanded by such board of trustees.

4199. The said board of trustees shall meet the first Tuesday of each month, and at such other times as they may appoint, at a place to be appointed for that purpose; and a majority of all their number shall constitute a quorum for business. They shall appoint one of their number as president of their board. They shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and a record and full minutes, in writing, of all their proceedings. They may appoint a librarian. The secretary may certify to such proceedings, or any part or portion thereof, under his hand, verified by an official seal, adopted and provided by the trustees for that purpose.

4200. Said libraries shall be free to the judiciary, county officials, and members of the bar of said county, and to all inhabitants of said county; but the board of trustees may provide that no books shall be removed from said libraries, except by the judiciary, county officials, and members of the bar, without the payment of such dues as the board of trustees may ordain, and under such rules and regulations as may be by them provided.

4201. The secretary of state is hereby authorized and directed to transmit to the county clerk of each county of the state, for the use of said library, a copy of each and every publication which may hereafter be made by this state, and especially a copy of each report of the decisions of the supreme court, district courts of appeal, and of the statutes of this state; and also a copy of all such reports and statutes heretofore published.

4202. The librarian of the supreme court library is hereby authorized and directed to distribute among the law libraries herein provided for such duplicates of books as may be in state library, and not needed for its own purposes.

4203. Wherever a law library, and a board of trustees to govern the same, is in existence under the provisions of any law, in any county, or city and county, in this state, this article shall not be considered a repeal of any legislation under which such library is established and now governed, but shall be deemed to confer upon such library the benefits of section forty-one hundred and ninety; *provided, however*, that it shall be discretionary with the board of supervisors of any county to provide by ordinance for the application of the provisions of this article to such county.

4204. Whenever the board of supervisors in any county in this state which shall have adopted the provisions of this article and have established a law library, desire to discontinue such law library, they shall by ordinance declare their intention so to do, and shall provide in such ordinance that the books already in the library shall be transferred to and kept in the chambers of the judges of the superior court of such county; and all moneys on hand in the library fund of such county shall be by the same ordinance transferred to the school fund of such county, and the office of the board of trustees of such law library shall be abolished. After such an ordinance shall take effect, the county clerk of such county shall not collect the fees provided for in section four thousand one hundred and ninety.

CHAPTER VII.

DEPARTMENT OF EDUCATION.

ARTICLE I. The superintendent of schools.
II. The board of education.
III. The schools.

ARTICLE I.

THE SUPERINTENDENT OF SCHOOLS.

Section 4208. Duties of.

4208. The superintendent of schools must perform such duties as are prescribed in Title III, Part III, of this code, and shall perform such other duties as are required by law.

ARTICLE II.

THE BOARD OF EDUCATION.

Section 4209. Duties of.

4209. The board of education shall have the powers and perform the duties prescribed by law.

ARTICLE III.

THE SCHOOLS.

Section 4210. School department, what constitutes.

4210. The school department shall comprise such public schools as are established and provided for in Chapter III, Title III, Part III, of this code.

CHAPTER VIII.

DEPARTMENT OF PUBLIC WORKS.

ARTICLE I. The surveyor.
II. Road commissioners.

ARTICLE I.

THE SURVEYOR.

Section 4214. Duties of.
4215. Same.
4216. Other duties and fees of.
4217. Must assist surveyor general, when.
4218. Ex officio deputy recorder, when, and duties of.
4219. Surveys of county roads by.
4220. Other duties of.
4221. Courses to be run by true meridian; variation to be noted.

4214. The surveyor must be a licensed land surveyor of the state, and must make every survey that may be required by order of court or of the board of supervisors, or upon application of any person; keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey, and endorse thereon its proper number; a copy of the same, and a fair and accurate plat, together with a certificate of survey, must, upon application, be furnished by him to any person, upon payment of the fees allowed by law.

4215. Any person owning or claiming lands which are divided by county lines, and wishing to have the same surveyed, may apply to the surveyor of any county in which any part of such land is situated, and on such application being made, the surveyor must make the survey, which is as valid as though the lands were situated entirely within the county.

4216. When land, the title to which is in dispute before any court, is divided by a county line, the court making an order of survey may direct the order to the surveyor of any county in which any part of the land is situated. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey.

4217. The surveyor must, when required, aid and assist the surveyor general in making surveys within the county. When the surveyor is interested in any land, the title to which is in dispute, and a survey thereof is necessary, the court must direct the survey to be made by some disinterested person, and the person so appointed is for that purpose authorized to administer and certify oaths. He must return such survey, verified by his affidavit annexed thereto, and receive for his services the same fees as the surveyor would be entitled to for similar service.

4218. The surveyor shall copy, plat, or trace all maps filed for record in the office of the recorder of the county for which he shall be elected, and shall be ex officio deputy recorder for said county for such purposes, at the cost of the party filing the same for record; *provided, however*, that all maps and plats filed by a licensed land surveyor, and such other maps and plats as are filed and are thereby made a record, are exempt from the provisions of this section. The surveyor

shall plat, trace, blue-print, or otherwise make all county, township, road, district, and all other maps, and all assessors' block books, for the county of which he is surveyor: *provided*, that in counties where the office of assessor has not prior to the taking effect of this title been provided with such maps and block books and the surveyor neglects and refuses to make the same, the board of supervisors may contract with other competent person or persons for the making thereof, and may provide for the payment therefor from the funds of the county. All such maps which are platted, traced, blue-printed, or otherwise made as aforesaid, shall be filed in the surveyor's office, together with all data obtained by the surveyor from other sources, and the same thereafter shall become the property of the county.

4219. The surveyor shall make such surveys of county roads, and perform such other engineering work as the board of supervisors may direct. All such maps and field notes of surveys shall be filed in the office of the surveyor, and the same shall thereafter be and remain the property of the county. It shall be the duty of the surveyor to advise the board of supervisors regarding all engineering work, and to perform such engineering work for the county as may be required by the board of supervisors.

4220. Each surveyor, immediately after making any survey, except surveys of city or town lots, must make out a copy of the field-notes and plat, and transmit the same to the surveyor general, indicating plainly upon the plat at what point of any line any river or stream or county line is touched or crossed. He must communicate to the surveyor general such information concerning surveys made by him, and other matters connected with the duties of his office, as may be required.

4221. In all surveys the courses must be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian must be expressed on the plat, with the date of the survey.

ARTICLE II.

THE ROAD COMMISSIONERS.

Section 4222. Duties of.

4222. The road commissioners must perform the duties required of them by law and the ordinances or orders of the board of supervisors.

CHAPTER IX.

DEPARTMENT OF HEALTH.

ARTICLE I. The county hospital.
II. The almshouse and county farm.
III. Health officers.
IV. Matron of county jail.

ARTICLE I.

COUNTY HOSPITAL.

Section 4223. Duties of supervisors concerning.

4223. The board of supervisors in each county may establish and maintain a county hospital, prescribe the rules for the government and management thereof, and appoint a county physician and the necessary officers and employés thereof, who shall hold office during the pleasure of the board.

ARTICLE II.

THE ALMSHOUSE AND COUNTY FARM.

Section 4224. Supervisors may establish almshouses and county farm.

4224. The supervisors may establish almshouses and county farms, prescribe the rules and regulations of the government and management of the same, and appoint the necessary officers and employés thereof, who shall hold office during the pleasure of the board.

ARTICLE III.

HEALTH OFFICERS.

Section 4225. Supervisors may appoint health officers.

4225. They may appoint in each county, a health officer, who shall be deemed an employé and not a county officer, and whose duty it shall be to enforce all orders and ordinances of the board of supervisors, pertaining to sanitary matters, and all orders, quarantine regulations, and rules prescribed by the state board of health, and all statutes relating to vital statistics. He shall give to the duties of his office such time and attention as may be necessary to secure general supervision of all matters pertaining to the health and sanitary condition of the county. He shall be a graduate of a medical college of good standing and repute, and shall hold office for a term of one year, and receive for his services, unless in this title otherwise provided, a compensation not to exceed six hundred dollars per annum.

The board of supervisors shall adopt orders and ordinances necessary for the preservation of the public health of the county, not in conflict with general laws, and provide for the payment of all expense incurred in enforcing the same.

For any unincorporated town, when public necessity requires such action, the board of supervisors may appoint a special health officer, who shall, in such town, under the supervision of the county health officer, exercise all necessary diligence in executing the ordinances, rules, and regulations of the board of supervisors, or the state board of health, relating to health and sanitary matters. His term of office and compensation shall be fixed by the board of supervisors, and he shall receive as his compensation for services, unless in this title otherwise provided, not to exceed one hundred dollars in any one year.

ARTICLE IV.

MATRON OF THE COUNTY JAIL.

Section 4226. Sheriff to appoint matron of county jails in certain counties.

4226. Public welfare and present necessity, in the counties of the classes named in this section, requiring that in counties of the first, second, third, and fourth classes in this state there should be an official matron of the several county jails therein, to have the powers and to discharge the duties specified in this section, the office of matron of the county jail, in and for each of the counties of the classes above named, is hereby created, and the duties and powers of the matron of such several county jails shall be as follows: She shall have free access at all reasonable times to the immediate presence of all female prisoners in the county jail of which she is the matron, including the right of personal visitation and conversation with them; and, in all cases of searching the person of female prisoners in such jail, the matron exclusively shall make such search; and the matron shall by example, advice, and admonition employ her best abilities to secure and promote the health, welfare, and reformation of all such prisoners. The term of office of such matron shall be two years from her appointment and qualification and until her successor is appointed and qualified. The sheriff of each county (of the classes above named) is hereby authorized and empowered to appoint, and the board of supervisors to provide for the payment of the compensation of, a matron of the county jail of the county of which they are such board, and to specify the conditions, and fix the amount of the matron's official bond, to be approved by such board. The monthly compensation of such matron in the several counties of the classes above mentioned (regulated hereby in proportion to the duties to be discharged) shall be as follows, payable monthly: In counties of the first class, seventy-five dollars; in counties of the second class, seventy-five dollars; in counties of the third class, seventy-five dollars; in counties of the fourth class, seventy-five dollars. No officer, deputy, jailer, keeper, guard, or person having charge or control of any such county jail shall refuse the duly appointed and qualified matron thereof free access at all reasonable times to the immediate presence of all female prisoners therein, including the right of visitation and conversation with them, or in such jail allow the searching of the person of a female prisoner to be made except by the matron of such jail, or obstruct the performance by the matron of her official duties in such jail.

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

Amend by striking out of the printed bill, as amended in the Senate, on pages 262 to 281, inclusive, the whole of Sections 4288 to 4325, inclusive, of the body of the bill, and inserting in lieu thereof the following:

4288. The salaries of such officers named in this title as are entitled to salaries shall be paid monthly out of the county treasury; and it shall be the duty of the auditor, on the first Monday of each and every month, to draw his warrant upon the treasurer in favor of each of said officers for the amount of salary due him under the provisions of this title for the preceding month; except that, unless in this title otherwise provided, one half of the annual salary of the assessor shall be paid to him in equal monthly installments for the months of March, April, May, and June, and one half in equal monthly installments for the remaining eight months of the year. The treasurer shall pay said warrants, on presentation, out of the salary fund of the county treasury.

4289. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with the certificate of the treasurer, showing that he has made the statement and settlement for that month required in this title.

4290. The salaries and fees provided in this title shall be in full compensation for all services of every kind and description rendered by the officers named in this title either as officers or ex officio officers, their deputies and assistants, unless in this title otherwise provided, and all deputies employed shall be paid by their principals out of the salaries provided in this title, unless in this title otherwise provided; *provided*, and except that the assessor shall be entitled to receive and retain for his own use, unless in this title otherwise provided, six per cent on personal property tax

collected by him, as authorized by section thirty-eight hundred and twenty, and fifteen per cent of all amounts collected by him for poll taxes, and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one, and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this title; *provided, however*, that in counties and cities and counties of the first and second class, the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one; nor shall the license collector in cities and counties of the first and counties of the second class receive any commission on licenses collected by him; *provided, further*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him, *and provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided* that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as courtroom clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided* that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this title; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners and collected from the state. The court shall also allow the sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the state, *provided further* that the county treasurers of the several counties of this state, where their necessary expense incurred in the making of the state settlements provided for by section thirty-eight hundred and sixty-six, shall exceed the maximum amount of mileage allowed them by section thirty-eight hundred and seventy-six, shall be allowed out of the county treasury of their respective counties, the amount of such excess, which shall be paid as other demands against the county are paid.

4291. The salaries of officers must be paid monthly from the county salary fund of the treasury, on the warrant of the auditor.

ARTICLE LIX.

REGULATIONS CONCERNING FEES.

Section 4292. Fees to be paid into county treasury.
4293. Fee book.
4294. Statement of fees.
4295. Official services and fees.
4296. Account and receipt for fees.
4297. No fees on habeas corpus.

4292. All salaried officers of the several counties and townships of this state shall charge and collect for the use of their respective counties, and pay into the county treasury, on the first Monday in each month, the fees now or hereafter allowed by law in all cases, except where such fees, or a percentage thereof, is allowed such officers, and excepting also such fees as are a charge against the county.

4293. Each of the officers authorized to receive fees under the provisions of this title must keep a fee book, open to the public inspection during office hours, in which must be entered, at once and in detail, all fees or compensation, of whatever nature, kind, or description, collected or chargeable. On the first Monday of each and every month, the officer must add up each column in his book to the first day of the month, and set down the totals. On the expiration of the term of such officer, he must deliver all fee books kept by him to the county auditor.

4294. The fees and compensation collected and chargeable for the county in each month shall be paid to the treasurer on the first Monday in the following month, and

must be accompanied by a statement of the aggregate amount thereof, as shown by the fee book, duly verified by the officer making such payment. The affidavit shall be in the following form: "I, A. B., County Clerk (or other officer, as the case may be), do swear that the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies and assistants, for the month of ———, A. D. ———, and that said fee book shows the full amount received or chargeable in said month, and since my last monthly payment; and neither myself, nor to my knowledge or belief, any of my deputies or assistants have rendered any official service, except for the county, which is not fully set out in said fee book, and that the foregoing statement thereof is true and correct."

The treasurer shall file and preserve in his office said statements and affidavit.

4295. The officers mentioned in this title are not in any case, except for the state or county, or a public board or body acting in behalf of the state, to perform any official services, unless upon the prepayment of fees prescribed for such services, except in proceedings upon habeas corpus, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

4296. Every officer upon receiving any fees for official duty or service, may be required by the person paying the same to make out, in writing, and deliver to such person a particular account of such fees, specifying for what they, respectively, accrued, and shall receipt the same; and if he refuse or neglect to do so when required, he shall be liable to the party paying the same in treble the amount so paid.

4297. No fee or compensation of any kind must be charged or received by any officer for duties performed or services rendered in proceedings upon habeas corpus, nor for administering or certifying the oath of office, nor fees or other compensation shall be paid for service rendered in an affidavit or application relating to the securing of a pension or the payment of a pension voucher, or any matter relating thereto, nor filing nor swearing to any claim or demand against any county in this state.

ARTICLE LX.

FEES OF OFFICERS.

Section 4300. Fees of county, township and other officers.
4300*a*. County clerk's fees.
4300*b*. Sheriff's fees.
4300*c*. Recorder's fees.
4300*d*. Constables' and marshals' fees.
4300*e*. Justices' of the peace fees.
4300*f*. Jurors' fees.
4300*g*. Witness' fees.
4300*h*. Coroner's fees.
4300*i*. Public administrator's fees.
4300*j*. Surveyor's fees.
4300*k*. Fees in civil cases, in advance.
4301. Fees not to be charged when.
4302. Same.

4300. The following county, township, and other officers shall charge and collect the following fees:

4300*a*. *County Clerk.*

On the commencement of any action or proceeding in the superior court, except probate proceedings, or on an appeal thereto, to be paid by the party commencing such action or proceeding, or taking such appeal, five dollars.

On the filing of a petition for letters of administration, testamentary, or guardianship, five dollars, to be paid by the petitioner.

On filing the petition to contest any will or codicil, three dollars.

On the appearance of any defendant, or any number of defendants answering jointly, to be paid upon filing the first paper in the action by him or them, two dollars.

On placing any action, excepting a probate proceeding or default case, on the calendar for trial or hearing, to be paid by the party at whose request such action or proceeding is so placed, two dollars.

For every additional defendant appearing separately, one dollar.

The foregoing fees shall be in full for all services rendered by such clerk in the cause, to and including the making up of the judgment roll.

On the filing of any notice of motion to move for a new trial of any civil action or proceeding, the party filing same shall pay to the clerk, in full for all services to be rendered in connection with said motion, except as hereinafter in this section provided, two dollars.

For issuing an execution or order of sale in any action, one dollar.

In all proceedings begun or acts performed prior to this section becoming a law, such fees and charges as were provided by law at the time such proceedings were begun or acts performed.

The clerk shall also charge and collect the following fees and compensation not above provided for:

For any copy of any record, proceeding, or paper on file in the office of the clerk relating to any civil action pending in said court, when such copy is made by him, per folio, ten cents.

For each certificate of the clerk, under the seal of the court, twenty-five cents.

For filing each claim in probate or insolvency proceedings, fifteen cents.

No fees shall be allowed or charged by the clerk for services rendered in any criminal case.

For services rendered by the clerk, not in connection with civil actions or proceedings in court, he shall charge and collect, for the benefit of the county, the following fees:

For issuing marriage license, one half to be paid to the county recorder, two dollars.

For filing and indexing articles of incorporation, one dollar.

For filing and indexing certificates of co-partnership, one dollar.

For filing and indexing all papers to be kept by him, other than papers filed in actions or proceedings in court, and official bonds and certificates of appointment, each, twenty-five cents.

For issuing any license required by law, other than marriage licenses, one dollar.

For examining and certifying to a copy of any paper, record or proceedings prepared by another, and presented for his certificate, fifty cents, and one cent per folio for comparing the said copy with the original.

For making satisfaction of or credit on judgment, twenty-five cents.

For receiving and filing remittitur from supreme court, fifty cents.

For administering each oath, without certificate, except in a pending action or proceeding, ten cents.

For taking any affidavit, except in criminal cases, twenty-five cents.

For taking and approving each undertaking, and the justification thereof, except in criminal cases, fifty cents.

For searching records or files, for each year, fifty cents.

For taking acknowledgment of any deed or other instrument, including the certificate, fifty cents.

For filing notices of appeal and appeal bonds, each, twenty-five cents.

4300*b*. *Sheriff.*

For serving any process, writ, order, or paper, except as in this section provided, required by law to be served by the sheriff, fifty cents.

For serving a writ of attachment, execution, or order for the delivery of personal property, one dollar.

For taking any bond or undertaking, fifty cents.

For serving an attachment or execution on any ship, boat, or vessel, three dollars.

For keeping and caring for property under attachment or execution, such sum as the court may fix; *provided*, that no greater sum than three dollars per day shall be allowed to a keeper when necessarily employed.

For a copy of any writ, process, or paper actually made by him, when required or demanded according to law, per folio, ten cents; *provided*, that when correct copies are furnished to him for use, no charge shall be made for such copies.

For advertising sale of property and posting notice, exclusive of cost of publication, or furnishing notice for publication, each, fifty cents.

For publication of notice in newspaper, the reasonable cost of publication, subject to the approval of the court.

For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupant, one dollar and fifty cents.

For subpœnaing witnesses, including copy of subpœna, each, twenty-five cents.

For summoning trial jury of twelve or less, two dollars; for each additional juror, ten cents.

For traveling in the service of any paper required by law to be served, for each mile actually and necessarily traveled, one way only, fifteen cents, when such travel can be made by rail; in other cases, twenty-five cents. No constructive mileage to be allowed.

For collecting money on execution, with or without levy, one per cent on the first thousand dollars or less, and one half of one per cent on all sums over one thousand dollars.

For executing and delivering sheriff's deed, one dollar and fifty cents.

For executing and delivering certificate of sale, fifty cents.

For transporting prisoners to the county jail, the actual cost of such transportation.

For executing and delivering any other instrument, ten cents per folio.

4300*c*. *Recorder.*

For recording every instrument, paper, or notice required by law to be recorded, per folio, ten cents.

For indexing every instrument, paper, or notice, for each name, ten cents.

For filing every instrument for record, and making the necessary entries thereon, twenty cents.

For each certificate under seal, twenty-five cents.

For every entry of discharge, credit, or release on the margin of record, and indexing same, twenty-five cents.

For searching the records of his office, for each year, fifty cents.

For abstract of title, for each conveyance or incumbrance, twenty-five cents.

For recording each map or plat where the same is copied in a book of record, for each course, ten cents.

For recording each map or plat where the same is not copied in a book of record, fifty cents.

For figures or letters on maps or plats, per folio, ten cents; *provided*, that the fees for recording any map shall not exceed fifty dollars.

For taking acknowledgment of any instrument, fifty cents.

For recording marriage license, and certificate, to be paid by the county clerk, one dollar.

For recording transcript and all services in estray cases, one dollar.

For recording each mark or brand, fifty cents.

For administering each oath and affirmation, and certifying the same, twenty-five cents.

For filing, indexing, and keeping each paper not required by law to be recorded, twenty-five cents.

The clerk, sheriff and recorder shall account for all fees in this and the two preceding sections provided for, and the clerk, sheriff, and recorder, unless otherwise provided by law, shall pay the same to the treasurer on the first Monday of the month following their collection, as provided in article fifty-nine of this chapter.

4300*d*. *Constables and Marshals*, except as in this article otherwise provided.

For each copy of summons for service, when made by him, twenty-five cents.

For levying writ of attachment or execution, or executing order of arrest or for the delivery of personal property, one dollar.

For serving writ of attachment or execution on any ship, boat, or vessel, three dollars.

For keeping personal property, such sum as the court may order; but no more than two dollars per day shall be allowed for a keeper when necessarily employed.

For taking bond or undertaking, fifty cents.

For copies of writs and other papers, except summons, complaint and subpœnas, per folio, ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for such copies.

For serving any writ, notice, or order, except summons, complaint, or subpœnas, for each person served, fifty cents.

For writing and posting each notice of sale of property, twenty-five cents.

For furnishing notice of publication, twenty-five cents.

For serving subpœnas, each witness, including copy, twenty-five cents.

For collecting money on execution, one and one half per cent.

For executing and delivering certificate of sale, fifty cents.

For executing and delivering constable's deed, one dollar and fifty cents.

For each mile actually traveled within his township in the service of any writ, order or paper, except a warrant of arrest, in going only, per mile, twenty-five cents.

For traveling outside of his township to serve such writ, order, or paper, in going only, fifteen cents; *provided*, that a constable shall not be required to travel outside of his township to serve any civil process, order, or paper. No constructive mileage allowed.

For each mile necessarily traveled within his county in executing a warrant of arrest, both in going and returning from place of arrest, fifteen cents.

For each mile traveled out of his county, both going and returning from place of arrest, five cents; *provided*, that for traveling in the performance of two or more official services at the same time, including the service of civil process or criminal warrants, or transportation of persons charged or convicted of a criminal offense, but one mileage shall be charged.

For executing a search warrant, such fees and mileage as may be allowed for executing warrant of arrest.

For arresting prisoner and bringing him into court or jail, one dollar.

For summoning a jury, two dollars, including mileage.

For transporting prisoners to and from the county jail, the actual cost of such transportation.

4300*e*. *Justices of the Peace*, except as in this title otherwise provided.

For all services to be performed by him before trial, in a civil action, two dollars; and for the trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment and issue of execution thereon, three dollars; and in all cases where judgment is rendered by default or confession, for all services, including execution and satisfaction of judgment, two dollars.

For all services in a criminal action or proceeding, whether on examination or trial, three dollars.

For taking bail after commitment by another magistrate, fifty cents.

For certificate and transmitting transcript and papers on appeal, one dollar.

For copies of papers on docket, per folio, ten cents.

For issuing a search warrant, to be paid by the party demanding the same, fifty cents.

For celebrating a marriage, and returning a certificate thereof to the county recorder, three dollars.

For taking an acknowledgment of any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, fifteen cents.

For administering an oath, and certifying the same, twenty-five cents.

For issuing a commission to take testimony, fifty cents.

For all services connected with the posting of estrays, one dollar.

In cases before a justice of the peace, when the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the transcript and papers, shall receive one dollar; and the justice before whom the trial shall take place shall receive the same fees as if the action had been commenced before him.

For performing the duties of coroner, when the coroner fails to act, the same fees and mileage as are allowed the coroner in like cases.

For issuing each process, writ, order, or paper required by law to be issued not otherwise in this article provided for, twenty-five cents.

For administering oath or affirmation not otherwise in this article provided for, ten cents.

For each certificate or affidavit not otherwise in this article provided for, twenty-five cents.

For taking an approving bond or undertaking, including the justification of sureties, fifty cents.

4300*f*. *Jurors' fees*, except as in this title otherwise provided:

For attending as a grand juror or juror in the superior court, for each day's attendance, per day, two dollars.

For attending justice's court, for each juror sworn to try the cause, per day, in civil cases only, two dollars.

For each mile actually traveled in attending court as a juror, except in criminal cases in justice's court, for which no allowance shall be made, in going only, per mile, fifteen cents.

4300*g*. *Witness' fees*, except as in this title otherwise provided:

For each day's actual attendance, when legally required to attend upon the superior court, per day, two dollars in civil cases, and one dollar and fifty cents in criminal cases.

Mileage actually traveled, one way only, per mile, ten cents; *provided, however*, that in criminal cases, such per diem and mileage shall only be allowed upon a showing to the court, by the witness, that the same are necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpœnaed.

For each day's attendance upon a justice's court, in civil cases only, when legally required to attend, per day, one dollar.

For each mile actually traveled, in civil cases only, in a justice's court, in going only, ten cents.

Witnesses in civil cases may demand the payment of their mileage and fees for one day in advance, and when so demanded shall not be compelled to attend until the same shall have been paid.

4300*h*. *Coroner.*

Coroners may, for their own use, except as in this title otherwise provided, collect the following fees, and no others:

For general services in holding an inquest, ten dollars.

For each witness subpœnaed, twenty-five cents.

For each mile necessarily traveled in going to the place of the inquest, twenty-five cents.

For directing or attending the interment of each body upon which an inquest has been held, two dollars; which fees shall be all that he shall be entitled to charge.

When acting as or in the place of the sheriff, the same fees as are allowed the sheriff for like services.

4300*i*. *Public Administrator.*

Such fees as are now or may hereafter be allowed by law.

4300*j*. *Surveyor.*

Such fees as are now or may hereafter be allowed by law.

4300*k*. County officers must, and township officers may, demand the payment of all fees in civil cases, in advance.

4301. No fees or compensation shall be paid for filing the statement and affidavit of a committee or candidate voted for at any public election held within the state; nor for filing, or swearing to any claim or demand against the county.

4302. No fees or other compensation shall be charged by any county clerk for taking and certifying affidavits for pension claimants, or for the payment of a pension voucher, or any matters relating thereto under the laws of the United States.

ARTICLE LXI.

THE SALARY FUND.

Section 4305. Salary fund.

4305. For the purpose of paying the salaries provided for in this title, all fees directed to be paid into the county treasury shall be set apart therein as a separate fund, to be known as the salary fund, to be applied to the payment of said salaries. Should the amount received from such source be insufficient, it shall be the duty of the treasurer from time to time to transfer to said fund from the general fund of the county such sums as may be necessary to pay said salaries as they become due.

CHAPTER XI.

OTHER COUNTY CHARGES.

Section 4307. What constitute.
4308. Cost of criminal action on removal.
4309. Same, how certified and paid.

4307. The following are county charges:

1. Charges incurred against the county by virtue of any of the provisions of this title.

2. The traveling and other personal expenses of the district attorney, incurred in criminal cases arising in the county, and in civil actions and proceedings in which the county is interested, and all other expenses necessarily incurred by him in the detection of crime and prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested.

3. The expenses necessarily incurred in the support of persons charged with or convicted of crime and committed therefor to the county jail, and for other services in relation to criminal proceedings for which no specific compensation is prescribed by law.

4. The sums required by law to be paid to the grand and trial jurors and witnesses in criminal cases.

5. The accounts of the coroner of the county for such services as are not provided to be paid otherwise.

6. All charges and accounts for services rendered by any justice of the peace in the examination of trial of persons charged with crime, not otherwise provided for and allowed by law.

7. The necessary expenses incurred in the support of the county hospitals, almshouses, and the indigent sick and otherwise dependent poor, whose support is chargeable to the county.

8. The contingent expenses necessarily incurred for the use and benefit of the county.

9. Every other sum directed by law to be raised for any county purpose under the direction of the board of supervisors, or declared to be a county charge.

10. The fees of constables in criminal cases allowed by law.

4308. When a criminal action is removed before trial, the costs accruing upon such removal and trial shall be a charge against the county in which the indictment or information was found.

4309. The clerk of the county to which such action is removed shall certify the amount of costs allowed and certified by the court to the auditor of his county, and such auditor shall audit the same and draw his warrant therefor upon the treasury of the county from which such action was removed; and such auditor shall forward to said treasurer and auditor of the county from which said action was transferred, as aforesaid, a certified copy of the total amount of costs allowed by the court, giving each item as certified to him by the county clerk and the court; and the auditor receiving such certified copy of said costs allowed shall enter the same in his book as a charge against the treasury of his county; and the treasurer of the county from which said action was removed must, immediately upon presentation, pay said warrant out of the general fund of said county; or, if at the date of presentation there is not sufficient money in the said general fund to pay the same, he must indorse upon said warrant "Not paid for want of funds," and said warrant must be registered, and shall draw interest at the same rate, and be paid in the same manner, as though it had been drawn by the auditor of the county where the indictment was found.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Section 4312. Certain officers must have office at county seat.
4313. Absence of county officers from State.
4314. Who may administer oaths.
4315. Principal includes deputy.
4316. Officers not to practice law.
4317. Liability of official bond.
4318. Repayment of costs for publishing notices.
4319. "Process" and "notice" defined.
4320. Services performed by successor.
4321. Inventories to be made annually by certain officers.
4322. Supervisors must not be interested in purchases or contracts.
4323. When majority of supervisors interested in application, same referred to superior court.
4324. Posting of notices.
4325. Official misconduct of supervisors, penalty for.

4312. Sheriffs, clerks, recorders, treasurers and auditors must have their offices at the county seat, in the court house, hall of records, jail or other buildings, provided by the county through the board of supervisors, and keep them open for the transaction of business continuously from nine o'clock A. M. until five o'clock P. M. every day in the year except Sundays and holidays. And the words "transaction of business" as used herein shall be construed to mean that during the said hours named there shall be present in each of said offices at least one person qualified and prepared to transact the business that may properly come into said office. The auditor shall not draw his warrant for the salary of any such officer for any month until the latter shall first have presented him with an affidavit setting forth that he has complied with the provisions of this section, and the making of a false affidavit by any of said officers shall subject the party making the same to prosecution for the crime of perjury and to be punished for the same. The affidavit required herein of the auditor shall be filed with the county clerk, and be and remain a record of the office of said clerk; and the affidavits of the other officers required herein, shall be filed with the county auditor and be and remain a record of his office; *provided*, that if any of the officers named herein are absent from their office on official business they shall be excused from attendance at their said respective offices during the time they are absent on such business; *and provided further*, that in all cases where any officer named herein has no regularly appointed deputy provided by this title and paid by the county at the same time and in the same manner that his principal is paid, he shall be permitted to close his office during the hour from twelve o'clock noon to and until one o'clock P. M. The judges of the superior court must have chambers at the county seat and must establish such rules and hours for official business as may be necessary for the dispatch thereof.

4313. A county or township officer shall in no case absent himself from the state for a period of more than sixty days in any one year, and for no period without the consent of the board of supervisors of the county, except when on business for the state; *provided*, that in case of illness or urgent necessity, the board of supervisors may, on a proper showing of such illness or urgent necessity, extend the time herein limited, for the absence of any such officer, not to exceed six months.

4314. Every officer mentioned in section four thousand and thirteen, and his deputies, and every justice of the peace, may administer and certify oaths.

4315. Whenever the official name of any principal officer is used in any law conferring power, or imposing duties or liabilities, it includes deputies.

4316. Sheriffs, clerks, and constables, and their deputies, are prohibited from practicing law, or acting as attorneys or counselors at law, in the counties where they reside and hold office, or from having as a partner a lawyer, or any one who acts as such, and no county officer, or his deputy, except district attorneys and treasurers, shall be eligible to the office of notary public, or perform the duties of the same.

4317. Whenever, except in criminal prosecutions, any special penalty, forfeiture, or liability is imposed on any officer for non-performance or mal-performance of official duties, the liability therefor attaches to the official bond of such officer, and to the principal and sureties thereon.

4318. Whenever notice is required by law to be published in a newspaper by any county or township officer, the person for whom the notice is to be given shall pay to such officer, if required, the fees for such publication, in advance. And failure to publish any notice required by law, pertaining to the duties of his office, shall be a misdemeanor.

4319. "Process," as used in this title, includes all writs, warrants, summons, and orders of courts of justice, or judicial officers. "Notice" includes all papers

and orders (except process) required to be served in any proceeding before any court, board, or officer, or when required by law to be served independently of such proceeding.

4320. It shall be the duty of all officers in this title named to complete the business of their respective offices to the time of the expiration of their respective terms; and in case any officer at the close of his term shall leave to his successor official labor to be performed, which it was his duty to perform, he shall be liable to pay to his successor the full value for such services.

4321. It shall be the duty of all county officers, including the supervisors, road commissioners, superintendents of hospitals, county farms, or almshouses to make, on or before the first day of July in each year, and file with the county clerk an inventory under oath, showing in detail all county property in their possession, or in their charge. Said inventory shall be kept of record by said county clerk. A true copy of said inventory shall be delivered by such officers to their successors in office, who must receipt therefor, which receipt shall be filed with said county clerk.

4322. No member of the board must be interested, directly or indirectly, in any property purchased for the use of the county, nor in any purchase or sale of property belonging to the county, nor in any contract made by the board, or other person, on behalf of the county, for the erection of public buildings, the opening or improvement of roads, or the building of bridges, or for any purpose or act as a member of a committee or board of reviewers.

4323. Whenever an application is made to the board for an order, franchise, or license relating to any toll road, bridge, ferry, wharf, chute, pier, or other subject over which the board has jurisdiction, in which a majority of the board are interested, the application, by order of the board, must be transferred to the superior court of the county. The clerk of the board must thereupon certify the application, and all orders and papers relating thereto, to said superior court, and thereafter the said superior court shall have full jurisdiction to hear and determine the application.

4324. All public notices of proceedings of or to be had before the board, not otherwise specially provided for, must be posted at the court-house door, and two other public places in the county.

4325. Any supervisor who refuses or neglects to perform any duty imposed on him, without just cause therefor, or who willfully violates any law provided for his government as such officer, or fraudulently or corruptly performs any duty imposed on him, or willfully, fraudulently or corruptly attempts to perform an act, as supervisor, unauthorized by law, in addition to the penalty provided in the Penal Code, forfeits to the county five hundred dollars for every such act, to be recovered on his official bond, and is further liable on his official bond, to any person injured thereby, for all damages sustained.

SEC. 2. The provisions of this Act, so far as they are substantially the same as existing statutes, must be construed as continuations thereof and not as new enactments; and nothing in this Act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

SEC. 3. This Act shall take effect immediately.

Amendment adopted.

COMMITTEE AMENDMENT NO. 3.

Amend by striking out of Section 1, page 89, line 96 of Section 4231 of the body of the printed amended bill, the word "eight," and inserting in lieu thereof the following: "seven."

Amendment adopted.

COMMITTEE AMENDMENT NO. 4.

Amend by striking out of Section 1, page 91, line 187 of Section 4231 of the body of the printed amended bill, the word "collectors," and inserting in lieu thereof the following: "collector."

Amendment adopted.

COMMITTEE AMENDMENT NO. 5.

Amend by striking out of Section 1, page 92, lines 212, 213, and 214 of Section 4231 of the body of the printed amended bill, the following: "*provided*, that nothing herein contained shall be construed as limiting the previous Sections 4307 and 4344 of the Political Code," and inserting in lieu thereof the following: "*provided, however*, that nothing contained in this subdivision shall be construed as limiting the provisions of section four thousand three hundred and seven."

Amendment adopted.

COMMITTEE AMENDMENT No. 6.

Amend by striking out of Section 1, page 95, line 327 of Section 4231 of the body of the printed amended bill, the word "act," and inserting in lieu thereof the following: "title."

Amendment adopted.

COMMITTEE AMENDMENT No. 7.

Amend by striking out of Section 1, page 95, line 333 of Section 4231 of the body of the printed amended bill, the word "other."

Amendment adopted.

COMMITTEE AMENDMENT No. 8.

Amend by striking out of Section 1, page 99, lines 476 and 477 of Section 4231 of the body of the printed amended bill, the words "constable, two deputies," and inserting in lieu thereof the following: "of the four constables of each such township, one deputy."

Amendment adopted.

COMMITTEE AMENDMENT No. 9.

Amend by striking out of Section 1, page 99, line 478 of Section 4231 of the body of the printed amended bill, the word "each."

Amendment adopted.

COMMITTEE AMENDMENT No. 10.

Amend by inserting in Section 1 of the printed amended bill, in Section 4233 of the body thereof, on page 111, line 42, after the word "annum," the following: "one deputy recorder who shall receive a salary of twelve hundred dollars per annum."

Also, amend the printed amended bill on page 115, line 175, after the word "cases," by striking out the period and inserting the following: "*provided, however,* that in all such townships having a population of twenty thousand or more there shall be two township justices of the peace in and for such townships, and such justices shall be allowed a clerk to be appointed by the justices of the peace at a salary of one hundred dollars per month, payable monthly, in the same manner as salaries of county officers are paid, and shall be furnished with offices and necessary supplies by the board of supervisors."

Amendment adopted.

COMMITTEE AMENDMENT No. 11.

Amend by striking out of Section 1, page 119, lines 328 and 329, of Section 4233 of the body of the bill, the words "subdivision twelve and one half of Section 25 of this Act," and inserting in lieu thereof the following: "Section four thousand and fifty-five."

Amendment adopted.

COMMITTEE AMENDMENT No. 12.

Amend by striking out of Section 1, page 129, line 117 of Section 4235 of the body of the printed amended bill, the word "Act," and inserting in lieu thereof the following: "subdivision."

Amendment adopted.

COMMITTEE AMENDMENT No. 13.

Amend by striking out of Section 1, page 129, line 146 of Section 4235 of the printed amended bill, the word "Act," and inserting in lieu thereof the following: "subdivision."

Amendment adopted.

COMMITTEE AMENDMENT No. 14.

Amend by striking out the word "fifteen," on line 47, page 131, printed bill, and inserting in lieu thereof the following: "eighteen."

Amendment adopted.

COMMITTEE AMENDMENT No. 15.

Amend by striking out of Section 1, pages 132, 133, and 134 of Section 4236 of the body of the printed amended bill, all of lines 65 to 141, inclusive, and inserting in lieu thereof the following:

13. The registered population of the several judicial townships of this county is hereby determined to be the registered vote as shown by the great register of the county in the office of the county clerk, January 1, 1907. The salaries of the constables in the several townships shall be determined by the registered voting population as shown by said register at the general election of the preceding even numbered year, and are as follows, to wit:

Judicial Township No. 1	356
Judicial Township No. 2	694
Judicial Township No. 3	5,796
Judicial Township No. 4	947
Judicial Township No. 5	1,043
Judicial Township No. 6	727
Judicial Township No. 7	919
Judicial Township No. 8	606
Judicial Township No. 9	353
Judicial Township No. 10	560
Judicial Township No. 11	93
Judicial Township No. 12	62
Judicial Township No. 13	437

The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid in the month of December biennially.

13*a*. For the purpose of regulating the compensation of the constables, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county. Townships having a registered voting population of five thousand and more shall belong to and be known as townships of the first class; townships having a like population of one thousand and less than five thousand shall belong to and be known as townships of the second class; townships having a like population of eight hundred and less than one thousand shall belong to and be known as townships of the third class; townships having a like population of five hundred and less than eight hundred shall belong to and be known as townships of the fourth class; townships having a like population of two hundred and fifty and less than five hundred shall belong to and be known as townships of the fifth class; townships having a like population of two hundred and fifty and less shall belong to and be known as townships of the sixth class.

13*b*. Justices of the peace and persons performing duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases, and shall include their office rent, to wit:

In townships of the first class, two hundred dollars.
In townships of the second class, one hundred dollars.
In townships of the third class, one hundred dollars.
In townships of the fourth class, seventy-five dollars.
In townships of the fifth class, sixty dollars.
In townships of the sixth class, twenty dollars.

In addition to the monthly salaries herein allowed each justice of the peace may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month, all fines collected by him.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class, one hundred and twenty-five dollars.
In townships of the second class, one hundred dollars.
In townships of the third class, one hundred dollars.
In townships of the fourth class, seventy-five dollars.
In townships of the fifth class, sixty dollars.
In townships of the sixth class, twenty dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided further*, that, where any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

15. The supervisors shall receive each the sum of eighteen hundred dollars per annum, payable monthly in installments of one hundred and fifty dollars per month, in full compensation for all services rendered, either as supervisors or road overseers.

16. The salaries of all county and township officers and their deputies shall be payable in installments monthly on the first day of each month.

Amendment adopted.

COMMITTEE AMENDMENT No. 16.

Amend Senate Bill No. 811 as follows, viz: Strike out the word "two," in line 6 of Section 4234 of Section 1 of the bill, on page 119 of the printed bill, and insert in lieu thereof the word "three."

Amendment adopted.

COMMITTEE AMENDMENT No. 16A.

Amend Senate Bill No. 811 as follows, viz: After the words "per annum," in line 7 of Section 4234 of Section 1 of the printed bill, on page 119, insert the words "one deputy to act as stenographer at a salary of twelve hundred dollars per annum."

Amendment adopted.

COMMITTEE AMENDMENT No. 17.

Amend by striking out the word "two," Section 1, page 136, on line 94 of Section 4237 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following: "three."

Amendment adopted.

COMMITTEE AMENDMENT No. 18.

Amend by inserting after the word "recording," on line 25, page 140, printed bill, the following: "and five cents for each name indexed."

Amendment adopted.

COMMITTEE AMENDMENTS NOS. 19 AND 20.

Amend by striking out the word "five," in line 105, page 142, printed bill, and inserting in lieu thereof the following: "eight."

Also: Amend by inserting after the word "supervisors," on line 108, page 142, printed bill, the following: "There shall be allowed the surveyor, in addition, one draughtsman, to be appointed by the surveyor, which office of draughtsman is hereby created, who shall be paid a salary of twelve hundred dollars per annum; and there shall be allowed the surveyor, in addition, one clerk, to be appointed by the surveyor, which office of clerk to the surveyor is hereby created, who shall be paid a salary of nine hundred dollars per annum, said salaries to be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the surveyor is paid."

Amendment adopted.

COMMITTEE AMENDMENT No. 21.

Amend by striking out of Section 1, page 149, line 5 of Section 4241 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Amendment adopted.

COMMITTEE AMENDMENT No. 22.

Amend by striking out of Section 1, page 151, line 73 of Section 4241 of the body of the printed amended bill, the word "act," and inserting in lieu thereof the following: "section."

Amendment adopted.

COMMITTEE AMENDMENT No. 23.

Amend by striking out of Section 1, page 154, line 72 of Section 4242 of the body of the printed amended bill, the words "and the succeeding."

Amendment adopted.

COMMITTEE AMENDMENT NO. 24.

Amend by striking out of Section 1, page 156, lines 130, 131 and 132 of Section 4242 of the body of the printed amended bill, the following: "two hundred and fifteen of the County Government Act, approved eighteen hundred and ninety-seven, wherein it;" and by inserting in lieu thereof the following: "four thousand two hundred and ninety, which."

Amendment adopted.

COMMITTEE AMENDMENT NO. 25.

Amend by striking out the words and figures on lines 50 and 51, page 157, printed bill, as amended, and inserting in lieu thereof the following:

13. Justices of the peace, the following monthly salaries, to be paid each month, as salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of five hundred and over, fifty dollars per month; in townships having a population of less than five hundred, twenty-five dollars per month. In addition to the above salaries, each justice of the peace may collect, for his own use, in civil cases, such fees as are now or may hereafter be allowed by law.

Amendment adopted.

COMMITTEE AMENDMENT NO. 26.

Amend by striking out the words and figures on lines 60 to 75, both inclusive, one hundred and fifty-seventh and one hundred and fifty-eighth pages, printed bill, as amended, and inserting in lieu thereof the following:

15. Constables, the following monthly salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases, except as in this subdivision provided: In townships where the population is five hundred or more, fifty dollars per month; in townships having a population of less than five hundred, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law, for all services performed by him in civil actions. The constable shall also, in addition, receive three dollars per day for attending court when required to do so during the actual trial of the issues of fact of a case, or during the examination of a criminal charge before a magistrate, while the evidence is being taken, and not otherwise; *provided*, that no more than three dollars shall be charged or received for any one day; and *provided, further*, that when the constable is required to attend upon the trial of more that one civil case on the same day, his fees for attendance shall be equally apportioned to the several cases. Constables may also, by first obtaining an order of the district attorney of his county, or of a judge of the superior court of this State, employ a temporary guard for the safe keeping or protection of prisoners when necessary, and shall be entitled to collect the actual reasonable cost thereof as a county charge. Constables shall also be entitled to receive in addition to the fees and salary in this subdivision provided for, the moneys actually disbursed by them in conveying prisoners or insane persons to the county seat, and the same shall be a county charge. The population of townships shall, for the purpose of Subdivisions 13 and 15 of this section, be determined by multiplying the vote for governor cast in each township at the next preceding general State election by five.

Amendment adopted.

COMMITTEE AMENDMENT NO. 27.

Amend by striking out of Section 1, page 164, on line 25 of Section 4246 of the body of the printed bill, as amended in the Senate, the word "seventy-five" and inserting in lieu thereof the following: "twenty-five."

Amendment adopted.

COMMITTEE AMENDMENT NO. 28.

Amend by striking out of Section 1, page 173, line 154 of Section 4248 of the body of the printed amended bill, the word "three," and inserting in lieu thereof the following: "nine."

Amendment adopted.

COMMITTEE AMENDMENT NO. 29.

Amend by striking out of Section 1, page 174, line 6 of Section 4249 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Amendment adopted.

COMMITTEE AMENDMENT No. 30.

Amend by striking out of Section 1, page 177, line 131 of the body of Section 4249 of the printed amended bill, the word "general," and inserting in lieu thereof the following: "presidential."

Amendment adopted.

COMMITTEE AMENDMENT No. 31.

Amend by inserting in Section 1, page 177, between lines 138 and 139 of Section 4249 of the printed bill, as amended in the Senate, a new paragraph, to read as follows:

The terms of office of supervisors of counties of this class elected from their respective supervisorial districts at the general election held in the year 1906, are, and are hereby determined and declared to be, as follows: The term of office of supervisors elected from the first, fourth, and fifth supervisorial districts expires in two years from the first Monday after the first day of January, 1907, and the term of office of the supervisors elected from the second and third supervisorial districts expires in four years from the first Monday after the first day of January, 1907.

Amendment adopted.

COMMITTEE AMENDMENT No. 32.

Amend by striking out of Section 1, page 178, line 5 of Section 4250 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Amendment adopted.

COMMITTEE AMENDMENT No. 33.

Amend by striking out of Section 1, page 181, line 6 of Section 4251 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Amendment adopted.

COMMITTEE AMENDMENT No. 34.

Amend by striking out of Section 1, page 186, line 7 of Section 4252 of the body of the printed amended bill, the words "is ordered," and inserting in lieu thereof the following: "of voters is required by law to be made."

Amendment adopted.

COMMITTEE AMENDMENT No. 35.

Amend by striking out the words "one thousand," on line 36, one hundred and ninety-first page, printed bill, and inserting in lieu thereof the following: "eight hundred."

Amendment adopted.

COMMITTEE AMENDMENT No. 36.

Amend by striking out the word "twenty-five," on line 38, one hundred and ninety-first page, printed bill, and inserting in lieu thereof the following: "ten."

Amendment adopted.

COMMITTEE AMENDMENT No. 37.

Amend by striking out of Section 1, page 195, line 10 of Section 4256 of the body of the amended printed bill, the word "this," and inserting in lieu thereof the following: "his."

Amendment adopted.

COMMITTEE AMENDMENT No. 38.

Amend by striking out of Section 1, page 196, line 31 of Section 4256 of the body of the printed amended bill, the word "counties," and inserting in lieu thereof the following: "in counties."

Amendment adopted.

COMMITTEE AMENDMENT No. 39.

Amend by striking out of Section 1, page 201, line 7 of Section 4258 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Amendment adopted.

COMMITTEE AMENDMENT No. 40.

Amend by striking out of Section 1, page 206, line 5 of Section 4260 of the body of the printed amended bill, the word "ordered," and inserting in lieu thereof the following: "required by law to be made."

Amendment adopted.

COMMITTEE AMENDMENT No. 41.

Amend by striking out of Section 1, pages 208 and 209, the whole of Subdivision 16 of Section 4260 of the body of the bill.

Amendment adopted.

COMMITTEE AMENDMENT No. 42.

Amend by striking out of Section 1, page 213, line 48 of Section 4262 of the body of the printed amended bill, the word "one," and inserting in lieu thereof the following: "a."

Amendment adopted.

COMMITTEE AMENDMENT No. 43.

Amend by striking out of Section 1, page 222, line 28 of Section 4265 of the body of the printed bill, as amended in the Senate, by striking out the word "twenty-five," and inserting in lieu thereof the following: "seventy-five."

Amendment adopted.

COMMITTEE AMENDMENT No. 44.

Amend by striking out of Section 1, page 222, the whole of lines 40 to 47, inclusive, being the whole of Subdivisions 13, 14 and 15 of Section 4265 of the body of the bill, and inserting in lieu thereof the following:

13. Justices of the peace shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases such fees as are now or may hereafter be allowed by law.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of more than four thousand, fifty dollars per month; in townships having a population of less than four thousand and more than twenty-five hundred, thirty dollars per month; in townships having a population of less than twenty-five hundred and more than six hundred, twenty dollars per month; and in all civil cases, such fees as are now or may hereafter be allowed by law.

Constables shall also be allowed by the board of supervisors, in criminal cases only, necessary traveling expenses, and necessary expenses of conveying criminals and persons charged with crime.

15. Each supervisor, twelve hundred dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of twelve hundred dollars shall be payable monthly.

16. For the purpose of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote cast for governor on the sixth day of November, 1906, in each township.

Amendment adopted.

COMMITTEE AMENDMENT No. 45.

Amend by striking out of Section 1, page 223, line 34 of Section 4266 of the body of the printed amended bill, the words "such general election," and inserting in lieu thereof the following: "the first Monday after the first day of January, 1907."

Amendment adopted.

COMMITTEE AMENDMENT No. 46.

Amend by striking out of Section 1, page 223, lines 36 and 37 of Section 4266 of the body of the printed amended bill, the words "such general election," and

inserting in lieu thereof the following: "the first Monday after the first day of January, 1907."

Amendment adopted.

COMMITTEE AMENDMENT No. 47.

Amend by striking out of Section 1, page 230, line 73 of Section 4268 of the body of the printed amended bill, the word "act," and inserting in lieu thereof the following: "section."

Amendment adopted.

COMMITTEE AMENDMENT No. 48.

Amend by striking out of Section 1, page 235, line 8 of Section 4270 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following:

3. The recorder, one thousand five hundred dollars per annum; and the said recorder may appoint one deputy recorder, which said office of deputy recorder is hereby created. The salary of such deputy recorder is hereby fixed at one thousand dollars per annum, such to be paid at the same time and in the same manner as the salary of county officers is paid.

Amendment adopted.

COMMITTEE AMENDMENT No. 49.

Amend by inserting in Section 1, page 243, line 3 of Section 4275 of the body of the printed amended bill, after the word "following," the following: "compensation and."

Amendment adopted.

COMMITTEE AMENDMENT No. 50.

Amend by striking out of Section 1, page 244, the whole of lines 9 to 14, inclusive, of Section 4275 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following:

3. The recorder, fifteen hundred dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, twelve hundred dollars per annum.
6. The tax collector, eight hundred dollars per annum, which shall be in full for all services as tax collector and license collector.

Amendment adopted.

COMMITTEE AMENDMENT No. 51.

Amend by striking out of Section 1, pages 244 and 245 of Section 4275 of the body of the printed bill, as amended in the Senate, the whole of lines 26 to 48, inclusive, and inserting in lieu thereof the following:

13. Each supervisor fifty dollars per month, payable at the same time and in the same manner as other county officers are paid, and his necessary and actual expenses when attending to the business of the county by order of the board, and mileage at the rate of twenty cents per mile for traveling from his residence to the county seat to attend the sessions of the board, and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as road commissioner.

14. In counties of this class the township officers shall receive the following compensation:

In townships having a population of twenty-five hundred or more, justices of the peace and constables shall each receive a salary of thirty dollars per month.

In townships having a population of fifteen hundred and less than twenty-five hundred, the justices of the peace and constables shall each receive a salary of fifteen dollars per month.

In townships having a population of less than fifteen hundred the justices of the peace and constables shall each receive a salary of ten dollars per month.

The above named salaries shall be in full compensation for all services of the said justices of the peace and constables in criminal cases: *provided*, that in addition to the salary herein allowed each constable shall be paid out of the treasury of the county for traveling expenses outside of his township for service of a warrant of arrest or any other paper in a criminal case such fees as are now or may be hereafter allowed by law; for transporting prisoners to the county jail the actual expenses for such transportation, and his actual and necessary expenses in the keeping and caring for property seized by him under a writ of attachment or execution; *and provided further*, that justices of the peace and constables may retain

for their own use, the fees which are now or may be hereafter allowed to them respectively in civil cases.

And provided further, that for the purpose of this section the population of the several townships, shall be ascertained by multiplying the number of registered voters in each township at the last general election by five.

Amendment adopted.

COMMITTEE AMENDMENT NO. 52.

Amend by striking out of Section 1, page 257, line 5 of Section 4283 of the body of the printed amended bill, the words "is ordered," and inserting in lieu thereof the following: "of voters is required by law to be made."

Amendment adopted.

COMMITTEE AMENDMENT NO. 53.

Amend by striking out of Section 1, page 258, the whole of lines 4 and 5 of Section 4284 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following:

1. The county clerk, nine hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the clerk a deputy, to act as clerk of the board of supervisors, who shall be appointed by the county clerk, and be paid a salary of twenty-five dollars per month; said salary to be paid by said county in monthly installments, and at the time and in the manner, and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, twelve hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed a jailor, who shall be appointed by the sheriff, and be paid a salary of twenty-five dollars per month; said salary to be paid by said county monthly, and at the time, and in the manner, and out of the same fund as the salary of the sheriff is paid.

Amendment adopted.

COMMITTEE AMENDMENT NO. 54.

Amend by striking out of Section 1, pages 258 and 259, the whole of lines 15 to 24, inclusive, of Section 4284 of the body of the printed bill, as amended in the Senate, and inserting in lieu thereof the following:

5. The treasurer, twelve hundred per annum.

6. The tax collector, twelve hundred dollars per annum.

7. The assessor, nine hundred per annum, and such fees as are now or may hereafter be paid to that officer.

8. The district attorney, twelve hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. Public administrator, such fees as are now or may hereafter be allowed by law.

11. Superintendent of schools, seven hundred and twenty dollars per annum.

Amendment adopted.

COMMITTEE AMENDMENT NO. 55.

Amend by striking out of Section 1, page 259, lines 31 to 35, inclusive, being the whole of Subdivision 15 of Section 4284 of the body of the bill, and inserting in lieu thereof the following:

15. Each member of the board of supervisors, four hundred and twenty dollars per annum, and twenty cents per mile in traveling from his residence to the county seat, going only; *provided*, that only one mileage shall be allowed for any regular session of the board.

Amendment adopted.

COMMITTEE AMENDMENT NO. 56.

Amend by striking out of Section 1, page 102, line 87 of Section 4232 of the body of the printed amended bill, the words "of the Act."

Amendment adopted.

COMMITTEE AMENDMENT NO. 57.

Amend by striking out of Section 1, page 103, line 147 of Section 4231 of the body of the printed amended bill, the word "twelve," and inserting in lieu thereof the following: "eighteen."

Amendment adopted.

COMMITTEE AMENDMENT No. 58.

Amend by striking out of Section 1, page 107, of Section 4232 of the body of the printed amended bill, all of lines 272 to 295, inclusive, and inserting in lieu thereof the following:

9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following assistant, deputies and employés, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: one assistant district attorney at a salary of three thousand dollars per annum; one chief deputy district attorney at a salary of two thousand dollars per annum; four deputy district attorneys at a salary of eighteen hundred dollars each per annum; one clerk at a salary of twelve hundred dollars per annum; two stenographers at a salary of nine hundred dollars each per annum; one detective at a salary of fifteen hundred dollars per annum, who shall assist the district attorney in the detection of crime and prosecution of criminal cases; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interest of said county requires it. The salaries of the assistant, deputies, clerk, stenographers, detective and special counsel in this subdivision provided for shall be paid by the county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney.

Amendment adopted.

COMMITTEE AMENDMENT No. 59.

Amend by striking out of Section 1, page 108 of Section 4232 of the body of the printed amended bill, all of lines 303 to 313 inclusive, and inserting in lieu thereof the following:

12. The superintendent of schools, four thousand dollars per annum; *provided* that in counties of this class there shall be and hereby is allowed to the superintendent of schools one assistant superintendent of schools, one chief deputy superintendent of schools, and one deputy superintendent of schools, all of whom shall be appointed by the superintendent of schools of said county, and whose salaries shall be as follows: The salary of the assistant superintendent of schools shall be one hundred and fifty dollars per month; the salary of the chief deputy superintendent of schools shall be one hundred and twenty-five dollars per month, and that of the deputy superintendent of schools shall be one hundred and twenty-five dollars per month.

The salaries shall be paid out of the same fund and in the same manner as the salary of the superintendent of schools is paid.

Amendment adopted.

COMMITTEE AMENDMENT No. 60.

Amend by striking out of Section 1, page 103, line 134 of Section 4232 of the body of the printed amended bill, the word "three," and inserting in lieu thereof the following: "two."

Amendment adopted.

COMMITTEE AMENDMENT No. 61.

Amend by striking out of Section 1, page 104, line 175 of Section 4232 of the body of the printed amended bill, the word "eight," and inserting in lieu thereof the following: "six."

Amendment adopted.

COMMITTEE AMENDMENT No. 62.

Amend by inserting in Section 1, page 108, after the end of line 338 of Section 4232 of the printed amended bill, the following: "at an expense of not to exceed twenty-five dollars per month."

Amendment adopted.

COMMITTEE AMENDMENT No. 63.

Amend by striking out of Section 1, page 109, in line 343 of Section 4232 of the body of the printed amended bill, the words "one hundred," and inserting in lieu thereof the following: "seventy-five."

Amendment adopted.

COMMITTEE AMENDMENT No. 64.

Amend by striking out of Section 1, page 109, in Section 4232 of the body of the printed amended bill, from and including the word "*provided*," on line 347 to and including the word "month," on line 351.

Amendment adopted.

COMMITTEE AMENDMENT No. 65.

Amend by striking out of Section 1, page 109, line 367 of Section 4232 of the body of the amended printed bill, the words "one hundred," and inserting in lieu thereof the following: "ninety."

Amendment adopted.

COMMITTEE AMENDMENT No. 66.

Amend by striking out of Section 1, page 109, line 370 of Section 4232 of the body of the printed amended bill, the words "one hundred," and inserting in lieu thereof the following: "eighty-five."

Amendment adopted.

COMMITTEE AMENDMENT No. 67.

Amend by striking out of Section 1, pages 109 and 110, in Section 4232 of the body of the printed amended bill, from and including the word "provided," on line 376, to and including the word "month," on line 380.

Amendment adopted.

COMMITTEE AMENDMENT No. 68.

Amend by striking out of Section 1, page 110, line 388 of Section 4232 of the body of the printed amended bill, the word "fifty," and inserting in lieu thereof the following: "twenty-five."

Amendment adopted.

COMMITTEE AMENDMENT No. 69.

Strike out all of paragraph 14, on page 154 of the amended bill, and insert in lieu thereof the following:

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows: Townships containing a population of ten thousand or more shall belong to and be known as townships of the first class; townships containing a population of less than ten thousand and more than six thousand shall belong to and be known as townships of the second class; townships containing a population of less than six thousand and more than four thousand shall belong to and be known as townships of the third class; townships containing a population of less than four thousand and more than two thousand shall belong to and be known as townships of the fourth class; townships containing a population of less than two thousand shall belong to and be known as townships of the fifth class; the population of the several judicial townships shall be determined, for the purpose of this and the succeeding subdivision, by multiplying by five the total number of names registered as voters in such townships as shown by the complete index to great register as compiled and certified by the county clerk of said class of counties in October, A. D. 1906.

Amendment adopted.

COMMITTEE AMENDMENT No. 70.

Strike out all of paragraph 15, on pages 154 and 155 of the amended bill, and insert in lieu thereof the following:

15. Justices of the peace shall receive the following salaries which shall be paid monthly in the same manner as the salaries of county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one half of the salary therein provided for, to wit:

In townships of the first class, one hundred dollars per month; in townships of the second class, sixty-five dollars per month; in townships of the third class twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month;

In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases. Justices of the peace in the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each for any one month;

Constables shall receive the following fees and salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the salary fund of the county, which shall be in full for all services rendered by them in criminal cases, to wit:

In townships of the first class, forty dollars per month; in townships of the second class, forty dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; *provided*: that in addition to the salaries herein allowed, each constable shall be paid out of the general fund of the county, for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case, (where such service is in fact made), both going and returning, ten cents per mile; for each mile traveled outside of his county, both going to and returning from the place of arrest, or other service of process, five cents per mile; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases.

Amendment adopted.

The following amendments were submitted by Mr. Otis:

AMENDMENT No. 1.

Amend Senate Bill No. 811, as follows: On page 106 of the printed bill, strike out from and including the word "receive," on line 251, to and including the word "compensation," on line 254, and insert in lieu thereof the following: "not receive any commissions for his collections of taxes on personal property, nor any compensation nor commission for the collection of poll taxes or road poll taxes, nor."

Amendment lost.

AMENDMENT No. 2.

On page 263 of the printed bill, on line 20 of Section 4290, after the word "second, insert the words "and third," and change "class" to "classes."

Amendment lost.

AMENDMENT No. 3.

On page 263 of the printed bill, on line 24 of Section 4290, after the word "Code,' insert the following: "nor shall said assessor, in counties of the third class, receive any compensation or commissions for the collection of poll taxes or road poll taxes."

Amendment lost.

Bill read second time, ordered to print and on file for third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 32 finally passed by the following vote:

AYES—Messrs. Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Devlin, Drew, Estudillo, Finney, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—50.

NOES—Messrs. Beban and Johnson of Sacramento—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 263—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 refused final passage by the following vote:

AYES—Messrs. Beban, Costar, Lynch, Sackett, Stanton, Strohl, and Wessling—7.
NOES—Messrs. Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Leeds, Lucas, McConnell, McMullin, Otis, Percival, Pierce, Pyle, Spaulding, Stetson, Strobridge, Transue, Vogel, Whitmore, Wyatt, and Mr. Speaker—42.

Senate Bill No. 571—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California, where the same has been destroyed by conflagration or other public calamity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 571 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Davis, Devlin, Drew, Forbes, Estudillo, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Strohl, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Judiciary Committee Substitute for Senate Bills Nos. 227 and 346—An Act to amend Section 1195 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Judiciary Committee Substitute for Senate Bills Nos. 227 and 346 finally passed by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 882—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered four hundred and seventy-six *a* (476*a*), relating to the making, drawing, uttering, or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 882 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Coghlan, Cornish, Costar, Davis, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Leeds, Lucas, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 554—An Act to prevent the manufacture and sale of thread of cotton, linen, and silk, where such is not labeled as to its correct yardage and weight.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 554 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Lynch, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 705—An Act to add a new section to the Penal Code, to be known as Section 273*g*, relating to indulging in degrading, lewd, immoral, or vicious habits or practices, or being habitually drunk in the presence of children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 705 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Coghlan, Collister, Costar, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lucas, Lynch, McMullin, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 728 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lucas, Lynch, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 73—An Act making an appropriation to pay the claim of Charles J. Morf against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 73 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin,

Drew, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 869—An Act to provide for the loan from the School Land Fund to the State of California of the sum of $250,000; providing for the transfer of said amount from the School Land Fund to the General Fund, and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund, and from the General Fund to the School Land Fund, and from the General Fund to the State School Fund to carry out the purposes of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 869 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Costar, Cutten, Davis, Devlin, Drew, Finney, Hammon, Hans, Hartmann, John, Jury, Leeds, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—49.

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

CUTTEN, Chairman.

On motion of Mr. Cutten, Senate Bills Nos. 812 and 813 were taken up for consideration.

SECOND READING OF BILLS.

Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and

defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Read second time, and ordered on file for third reading.

Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

During second reading of bill, the following amendment was submitted by Mr. Cutten:

Strike out period in line 5 of title of printed bill, and insert in title after the word "same," on line 5 of said title, the words "and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in the relation thereto, making an appropriation of $1,000.00 for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.'"

Strike out the period after the word "procedure," on line 9 of Section 3, page 2 of the printed bill, and insert after the word "procedure," on line 9, Section 3, page 2 of the printed bill, the following: "*provided*, that any judgment under this Act or that certain Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds, and providing for the submission of this Act to a vote of the people,' shall be paid for from the proceeds of bonds issued and sold under the provisions of said last mentioned Act."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

SPECIAL ORDERS SET.

On motion of Mr. Coghlan, the further consideration of Senate Bills Nos. 812 and 813 was made special order for two o'clock P. M. of Saturday, March 9, 1907.

Senate Bill No. 793—An Act to authorize the settlement of an existing controversy between the United States of America and State of California, and making an appropriation to carry out the provisions of said Act.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the title and insert as follows:

WHEREAS, The Federal Government claims that certain mistakes have been made in the past wherein and whereby the State of California has received and there has been listed to the State 40,000 acres or thereabouts of the public domain in excess of the just amount of lands that the State of California was entitled to under the grant in lieu of sixteenth and thirty-sixth sections, and that the State of California should restore to the United States an area equal to such excess listings to be taken from the sixteenth and thirty-sixth sections within forest reservations; and

WHEREAS, The State maintains that such claim is barred by the provisions of the Act of Congress of March 1, 1877, found in Volume 19 of the United States Statutes, page 287, confirming the title of the State to selections listed prior thereto, and also by the Act of Congress of March 3, 1891, found in Volume 26 of the United States Statutes, page 1095, limiting the time within which the United States can begin suits to vacate and annul patents; now, therefore,

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Surveyor-General of the State of California is hereby authorized, on or before July 1, 1907, to enter into a stipulation with the Secretary of the Interior of the United States of America, which shall provide that the question as to whether

or not the United States is now entitled under the laws of the United States to claim anything of the State of California by virtue of such previous listings, shall be submitted to the Attorney-General of the United States for his opinion, and if the opinion of that official is rendered in favor of the contention of the State of California, that then, and in that event, such opinion shall be final, and shall be binding upon the United States of America.

SEC. 2. If, on the other hand, the opinion of the Attorney-General of the United States shall be adverse to the contention of the State of California, either in whole or in part, then, and in that event, the Surveyor-General of the State of California is hereby empowered to make a report of the facts concerning said controversy to the Governor of the State of California and to the Attorney-General of the State of California, and present with such report a copy of the opinion of the Attorney-General of the United States; thereafter the Surveyor-General of the State of California and the Governor of the State of California and the Attorney-General of the State of California are authorized and directed to make such examination of the law and the facts as will enable them to determine whether the opinion of the Attorney-General of the United States is well founded in whole or in part; if they find that the opinion of the Attorney-General of the United States is well founded in whole or in part, then the Surveyor-General, as Register of the State Land Office, shall prepare a patent in the name of the State of California in favor of the United States of America to such portion of the sixteenth and thirty-sixth sections contained in the San Jacinto Forest Reserve as will equal in area the number of acres so ascertained and determined to have been unlawfully listed, and said patent shall be executed by the same officers and in the same manner as other patents are executed, and the Register of the State Land Office shall record said patent in his office, and thereafter shall cause the same to be delivered to the Secretary of the Interior, at Washington, in the District of Columbia.

SEC. 3. Until such controversy is determined, in whole or in part, all of the provisions of Chapter I, Title VIII, Part III of the Political Code are hereby suspended as to all of the lands embraced in the San Jacinto Forest Reserve for which application to purchase has not been accepted and filed prior to February 14, 1907.

In the event that the said opinion of the Attorney-General of the United States is rendered in favor of the contention of the State of California, or if the Secretary of the Interior shall fail, on or before July 1, 1907, to enter into the stipulation mentioned in Section 1 of this Act, or if in the opinion of the Governor and Attorney-General and Surveyor-General of this State the claim of the United States is not well founded, either in whole or in part, then this section shall immediately cease to be operative. In the event that the opinion of the Attorney-General of the United States is unfavorable to the contention of the State of California, either in whole or in part, and said controversy is thereafter considered by the State officials as herein set forth, and any patent is thereafter executed conveying to the United States of America certain lands, then all the provisions of this section shall cease to be operative when said patent is recorded in the office of the Register of the State Land Office.

SEC. 4. Before the Surveyor-General, as Register of the State Land Office, delivers to the United States of America any patent as herein provided, he shall enter into such stipulations with the Secretary of the Interior as may be necessary and proper to obtain a ruling from that officer upon all State selections, heretofore made and now pending in the office of the Commissioner of the General Land Office, for lands in lieu of the sixteenth and thirty-sixth sections.

SEC. 5. For the purpose of carrying out the provisions of this statute the sum of $5,000.00 is hereby appropriated out of any money in the State treasury not otherwise appropriated, and the State Controller is hereby authorized to draw his warrant therefor, and the State Treasurer is hereby authorized and directed to pay said warrant.

SEC. 6. This Act shall take effect immediately.

Amendment adopted.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 793 considered.

Mr. Transue moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 793, and do now report the same back, and recommend that it do pass, as amended.

BEARDSLEE, Chairman.

Bill ordered to print and on file for third reading.

Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888*a*, relating to the levy of taxes for the payment of school district bonds.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "thirty," on line 21, second page, printed bill, as amended in Senate and inserting in lieu thereof the following: "sixty."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "a just and equitable," on lines 21 and 22, second page, printed bill, as amended, and inserting in lieu thereof the following: "what."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "for which the district to which it is annexed shall become liable, and in the absence of such order no such liability shall arise," on lines 23 and 24, second page, printed bill, as amended, and inserting in lieu thereof the following: "was incurred for the acquisition or improvement of school lots or buildings or fixtures therein situated in the territory so transferred, and the district to which such territory was annexed shall thereupon become liable for the proportion of such indebtedness so determined."

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "thirty" on line 30, second page, printed bill, as amended in Senate, and inserting in lieu thereof the following: "sixty."

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "a just and equitable," on lines 31 and 32, second page, printed bill, as amended, and inserting in lieu thereof the following: "what."

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "for which said new district shall be liable, and in the absence of such order no such liability shall arise," on lines 34, 35, and 36, second page, printed bill, as amended, and inserting in lieu thereof the following: "was incurred for the acquisition or improvement of school lots or buildings or fixtures therein situated in such new district, and the said new district shall thereupon become liable for the proportion of indebtedness so determined."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

RESOLUTION.

The following resolution was re-submitted:

By Mr. Estudillo:

Resolved, That the Speaker of the Assembly be and he is hereby authorized and empowered to appoint a committee of five members to examine into and report upon all matters in any way connected with or pertaining to the management and conduct

generally by the Superintendent of State Printing of the business and affairs of the State Printing Office; also to examine into and report upon the methods pursued by said State Printer in the purchase of supplies, equipment, and all necessary materials, with a view to ascertaining whether or not in the furnishing of such supplies and equipment the best interests of the State are subserved, to the end that the Department of State Printing will be enabled to furnish supplies of printing, binding, ruling, etc., to the various departments of the State at a reasonable compensation, and at figures which will compare favorably with the charges made for like work by private institutions.

Resolved, That the said committee be, and it hereby is authorized and empowered to do any and all things necessary to have a full and complete investigation of the matters hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony. Members of said committee are, and each of them is, hereby authorized to administer oaths; and all the provisions of Article VIII of Chapter II, Title I and Part III of the Political Code of this State relative to the "attendance and examination of witnesses before the Legislature and committees thereof," applies to the committee appointed under this resolution, and the Sergeant-at-Arms of the Assembly is hereby authorized and directed to serve any and all subpœnas and orders, or other process, that may be issued by the chairman of the said committee when directed to do so by the chairman.

And be it further resolved, That said committee report the result of its investigations and recommendations to the thirty-eighth session of the California Legislature; and that the said committee shall also report to the Governor of the State of California the result of its investigations and recommendations immediately upon the completion of its labors; and there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of $500 to pay the charges and costs to be incurred by the said committee to be appointed hereunder for clerical and other assistance and for fees of witnesses attending said investigation, and for other expenses connected with said investigation aside from the personal expenses of the members of said committee, and the Controller is hereby directed to draw his warrant for $500 in favor of the chairman of said committee, when appointed, and the Treasurer is hereby directed to pay the same, for said purposes.

SPECIAL ORDER SET.

The further consideration of the above resolution was made a special order for Saturday, March 9, 1907, immediately after the reading of the Journal.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Coghlan:

Resolved, That the contestant, Eugene E. Pfaeffle, in the matter of the contest of the right of John Wessling to a seat in this Assembly be, and he is hereby allowed his attorney's fees and expenses in the sum of $1,111.20, as follows:

D. S. O'Brien, attorney's fee	$200 00
Filing statement of grounds of contest in county clerk's office	6 50
Hon. John J. Van Nostrand and Hon. A. B. Lawson, commissioners, seven days at $25 per day each	350 00
Sol Bloom, taking testimony and transcribing same, and furnishing copy thereof to contestant	404 70
Expenses of contestant in San Francisco	100 00
Expenses of contestant in Sacramento	25 00
Expenses of D. S. O'Brien, attorney for contestant in Sacramento	25 00
Total	$1,111 20

And the State Controller is hereby authorized to draw a warrant in favor of Eugene E. Pfaeffle for the sum of $1,111.20, and the State Treasurer is hereby authorized and directed to pay said warrant.

Have had the same under consideration, and respectfully report the same back, without recommendation.

BERRY, Chairman.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Messrs. Beban, Beckett, Boyle, Coghlan, Cullen, Hartmann, Held, Johnson of San Diego, Kelly, O'Brien, Strohl, Toomey, Vogel, Walsh, Wessling, and Wilson—16.

NOES—Messrs. Barry, Berry, Birdsall, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Forbes, Hans, Hewitt, John, Johnson of Sacramento, Kohlman, Leeds, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—41.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Hartmann:

Resolved, That the sum of three hundred and ninety-four dollars ($394) is hereby appropriated to John Wessling, a member of the Assembly, for expenses incurred for attorney's fees, witness fees, mileage, and incidental expenses in the election contest of *Pfaeffle* vs. *Wessling*, in the Thirty-sixth Assembly District, and that the Controller be and he is hereby directed to draw his warrant on the Treasurer for the sum of three hundred and ninety-four dollars in favor of John Wessling, and the Treasurer is hereby instructed to pay the same, payable out of the Contingent Fund of the Assembly, as per itemized statement attached.

Expenses on part of John Wessling, Assemblyman, representing the Thirty-sixth Assembly District, and respondent in the contested election case of *Pfaeffle* vs. *Wessling*:

Witness fees	$42 00
Attorney's fees	200 00
Expenses of John Wessling during contest	152 00
	$394 00

Have had the same under consideration and respectfully report the same back, and respectfully recommend that the item of forty-two ($42.00) dollars for witness fees be allowed, and that the Controller be and he hereby is directed to draw his warrant on the Treasurer for the sum of $42.00 in favor of John Wessling, and the Treasurer is hereby instructed to pay the same out of the Contingent Fund of the Assembly. The rest of the resolution being reported back without recommendation.

BERRY, Chairman.

The following amendment was offered by Mr. Kelly:

Amend by striking out of report of Committee on Contingent Expenses and Accounts, the following words, to wit: "forty-two dollars," and by inserting in lieu thereof the words "three hundred and ninety-four dollars."

Amendment read.

The roll was called, and amendment adopted by the following vote:

AYES—Messrs. Barry, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—Messrs. Beban and Kohlman—2.

The question being upon the adoption of resolution and report as amended.

The roll was called, and the resolution and report as amended adopted by the following vote:

AYES—Messrs. Barry, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—Messrs. Beban and Kohlman—2.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

By Mr. Leeds: Assembly Concurrent Resolution No. 25—Relative to absence from the State of Grove L. Johnson, et al.

By Mr. Estudillo: Assembly Concurrent Resolution No. 26—Relative to the appointment of a joint committee on revision of rules.

By Committee on Constitutional Amendments: Assembly Constitutional Amendment No. 29—Amending Article XI, Section 2, of the Constitution, relating to the formation of new counties.

STANTON, Chairman.

The question being put, "Shall the members named by the Committee on Introduction of Bills, in conformity with committee's recommendation, be permitted to introduce the same?"

The roll was called, and permission to introduce Assembly Concurrent Resolutions Nos. 25 and 26 granted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Drew, Finney, Forbes, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

The roll was called, and permission to introduce Assembly Constitutional Amendment No. 29 denied by the following vote:

AYES—Messrs. Berry, Birdsall, Chandler, Collister, Costar, Cutten, Davis, Devlin, Drew, Forbes, Held, Hewitt, Johnson of Sacramento, Lucas, Lynch, McConnell, O'Brien, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wyatt, and Mr. Speaker—31.

NOES—Messrs. Barry, Beban, Beckett, Bell, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Estudillo, Hammon, Hans, Hartmann, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, McKeon, Otis, Spaulding, Strohl, Strobridge, Toomey, Vogel, Whitmore, and Wilson—32.

By Mr. Leeds:

ASSEMBLY CONCURRENT RESOLUTION No. 25.

Resolved by the Assembly, the Senate concurring, That leave of absence from the State for a period longer than sixty days is hereby granted to the following Assemblymen: Grove L. Johnson of Sacramento, J. P. Transue, Geo. W. Root, P. A. Stanton, W. R. Leeds, P. V. Hammon, C. C. Spaulding, Henry Thompson, Frank R. Devlin, R. L. Beardslee, Guy W. Smith, P. F. Cogswell, Frank Otis, W. F. Lemon, N. W. Thompson, P. W. Forbes, J. W. Finney, H. W. A. Weske, F. J. O'Brien, Geo. L. Sackett, J. O. Davis, E. J. Lynch, P. C. Campbell, Gideon S. Case, H. C. Lucas, E. S. Birdsall, Arthur E. Percival, Edward I. Butler, Fred E. Pierce, W. F. Ludington.

Assembly Concurrent Resolution placed on file, without reference.

By Mr. Estudillo: Assembly Concurrent Resolution No. 26—Relative to the appointment of a joint committee on revision of rules.

Assembly Concurrent Resolution placed on file, without reference.

RE-REFERENCE OF BILL.

On motion of Mr. Johnson of Sacramento, Senate Bill No. 854—An Act entitled "An Act to amend Section 737 of the Political Code, relating to salaries of superior judges"—was re-referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for coöperation in certain investigations by such board with the Interstate Commerce Commission—have had the same under consideration and respectfully report the same back, and recommend that it do pass.

JOHNSON of Sacramento, Chairman.

Senate Bill No. 910 ordered on file for second reading.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions beg leave to report that in compliance with the resolution adopted by the Assembly, they have visited the State School at Whittier, the Preston School of Industry, the State Prison at San Quentin, and the State Prison at Folsom. They have thoroughly inspected the same, and beg leave to make the following report and recommendations:

Whittier.

We find that the school at Whittier is being run in a very satisfactory manner. The inmates seem to be cheerful and happy, and are being taught those things which will be of benefit to them upon the expiration of their terms. The boys are being taught, so far as possible, the different trades. There is quite a number of them being used upon the farm, and they seem to enjoy their work, which is giving them an insight into one of the most useful occupations that a boy could possibly have.

We wish to speak especially of the dairy, which has been brought up from almost nothing to a finely managed herd of milch cows. They are now producing nearly all of the milk and butter necessary for the institution. It is clean and well managed, and when they have completed their new milk and butter room, they will be in better shape to care for the products of the dairy.

The institution is badly in need of a new manual training department, but owing to the great demand upon the treasury, we do not feel that we could recommend the building and equipping of this new department at this session, but believe it absolutely necessary in order to make the school complete and give the boys the training which could be had in a department of this kind. The hospital that was asked for is also badly needed, but owing to the same reason, we felt that we were not justified in recommending it at this session, but hope that at no distant future it may be added to the institution.

New hose for additional fire protection is badly needed, and we most respectfully recommend that it be allowed at this session, as without it they are practically without local fire protection. We wish especially to call attention to the printing department. We find that the boys take a very active interest in this class of work, and are looking for a larger opportunity in this direction, and would most respectfully recommend that some of the work in the different institutions, such as the State normal schools, etc., be allowed to have their work done at this place, as their work compares very favorably with that done at the State Printing Office. It would save the State considerable money, and at the same time give the boys an opportunity of perfecting themselves in this class of work.

One of the greatest problems at this institution is the sewage. It is now allowed to flow over the land adjacent to the school, and there have been many complaints from time to time of its finding its way on to neighboring property, and we feel that the request of the board of directors for additional land is a valid one, and the State would make no mistake in purchasing the piece offered to them, as it would be a source of revenue and would solve the problem of sewage water. The recent outbreak of typhoid fever in the institution was directly traceable to the sewage, and resulted in a number of cases, although we are informed that none of them proved fatal. They are now installing the septic-tank filtration system, and believe that it will in a great measure lessen the danger which has been such a menace to the institution.

The girls' department seems to be managed in a very satisfactory manner, and the young ladies are being taught all those things which seem so needful for a young lady to know that may put her in a position to do for herself when she finds her way out into the world again. This department is neat and clean. The girls are taught the ordinary studies that are taught in school. Many of them are musical and are being taught the piano, as well as vocal music. They seem to be happy and contented, and

we believe that it is one place where a girl who has no friends can find sympathy and kindness.

The request of the board that a parole officer be allowed them, we believe is a good move, and would be the means of keeping many of the boys and girls who leave the institution, in the right path. As it is now, when a girl or boy leaves, there seems to be no one to whom they can look for sympathy, but soon find themselves back in the old environments; therefore they soon are in the same position oftentimes as when they entered the institution; but with a parole officer a boy or girl could be placed in a home and looked after, and if they were not suited to the place, they could be changed, and we sincerely hope that this may be brought about.

We believe that the board and all its officers are working for the very best interests of the boys and girls who are placed in their charge, and no doubt are sacrificing much in their interests.

Preston School at Ione.

On Saturday and Sunday, February 9th and 10th, your committee visited the Preston School of Industry, situated near the Town of Ione, in Amador County. The principal purpose of this visit was to gain information as to the necessity of making appropriations asked for in behalf of this school.

The committee was shown through the Trades Building. This building was burned a few years ago, but has been rebuilt and an addition added thereto. The equipment of this building is, however, incomplete, and that further equipment is needed for properly conducting that department of the work at the school, was very evident. An appropriation of $5,000.00 is asked for this purpose. It is, however, the belief of the committee that $3,000.00 would properly finish the building.

Two years ago an appropriation was made for the purpose of building an assembly hall at the Preston School. By some oversight, the amount appropriated could not be used to construct this building with the help of the boys of this school, but had the construction of the building been undertaken at that time, the entire work would necessarily have had to be let out at contract, as the statute requires. At this session of the Legislature, however, a bill has been introduced, excepting this appropriation from the operation of the statute requiring the work to be let out at contract, and construction of this building will soon commence with the help of the boys of the school. The appropriation of $10,000.00 made two years ago will be insufficient for the completion and furnishing of the building, therefore $5,000.00 additional is asked for. This latter appropriation is undoubtedly necessary for the proper completion of the proposed work.

The necessity for a cold-storage plant at the school is also apparent. During the past year the sum of $800.00 has been expended for the ice for use at the school. The sum asked for to be used in the construction of this plant is $2,500.00. It can be easily seen that this amount would be profitably invested. As the school has its own water power, the expense of running the plant would be very light. With a cold-storage plant. the dairy products of the State farm could be more advantageously handled, and the farm could furnish a sufficient supply of meat for the school the year around.

Some repairs to the buildings at the school are necessary; the supply of bedding needs replenishing, and some new furniture must be purchased. The amount asked for to be used for this purpose is $5,000.00. The committee, however, do not believe that such a large sum of money is required for the purposes specified.

The committee did not have time to inspect the pipe line, for the repair of which an appropriation of $10,000.00 is asked. Upon conference with a member of the board of trustees of the school, it was learned that $2,500.00 of this appropriation was intended to be used in the construction of a dam. In view of the heavy drain on the State treasury at the present time, it is thought best that the construction of this dam be postponed until a future time. The pipe line nevertheless requires immediate repairing. The entire water supply of the school and farm is dependent upon this pipe line, and it is therefore highly essential that the pipe line be kept in good condition. The committee is informed that the pipe line at the present time is in a deplorable condition, which occasions much unrest to the trustees and officers of the school, and it may at any time, if not repaired, result in the water supply being cut off. It is, therefore, necessary that an appropriation of $7,500.00 be made for the purpose of putting the water system in good condition.

The committee found some time to view and inspect the work of the boys generally, and were highly impressed with the good work which is being accomplished by the school. It is apparent that the purposes of the school are being thoroughly carried out, and the boys fitted for taking a useful part in the affairs of life. The boys themselves ought to come in for their share of commendation, for, as far as appearances are concerned, they certainly enter into the spirit of the work, in spite of the fact that they are there by compulsion.

The State Prison at San Quentin.

The crimes practiced in this institution, in our opinion, are a blot upon the fair name of California. In the first place, the institution is vastly overcrowded. All congregate together, with no privacy whatever. The boys of tender age, who should never have seen the inside of these gloomy walls, find themselves under the influence of aged and hardened criminals, and if there is a spark of reformation in this class of criminals it certainly will soon leave them. The cells are dark and gloomy, containing from three to fifteen or more inmates to a cell. We find that they are locked in their apartments at four

o'clock in the afternoon, with no air except what little finds its way through the small gratings of the iron door. This, we believe, is not only injurious to the physical body, but is degrading mentally. The Prison Directors claim that they are powerless to change this condition and if the bill, which has been introduced, should pass, requiring the segregating of prisoners, that they would be helpless and could not carry out its requirements; but, after going over the situation carefully, we can not see why the large brick building known as the old furniture factory cannot be equipped with cells for the use of the younger and less hardened criminals. They may say that this is an unsafe building, but it has passed through the earthquake unharmed. It stands within the prison walls, and we are unable to see in what degree it is unsafe. This could be arranged with but very little cost, and would no doubt save a large number of young men from coming under the influence of the more hardened type of criminals. While it is true that they must come in contact more or less during working hours in the jute mill, yet while they are at work there is very little opportunity for them to converse, and if they were separated at the close of the day they would scarcely know with whom they had met during the day.

There seems to be a complaint regarding food, and some of the inmates informed us that they not only had an insufficient amount, but that the food was poor in quality. This, if true, ought not to be. While we believe that the food should be plain, yet it should be nourishing and in abundance, and I believe that if our State is paying for the very best quality that can be had in the market, the board should see that it is supplied. At the session of 1905 there were $310,000 appropriated for new buildings. Before this new building can be erected it is necessary that a hill should be graded off. They are now removing this hill, but, judging from the work done in the past two years, it will be a number of years before a start can be made upon the new building, and in the judgment of your committee altogether too much money is being expended in the work of grading the hill. Below are the names and number of people employed upon this work:

STATE BOARD OF PRISON DIRECTORS' SALARIES.

For January, payable out of the appropriation for additional cells, State Prison, San Quentin.

	San Quentin.	Folsom.
W. R. Eckart, consulting engineer, January salary	$150 00	$150 00
N. A. Eckart, assistant engineer, January salary	125 00	125 00
J. H. Wilkins, superintendent of construction, January salary	100 00	100 00
H. Harrison, locomotive engineer, January salary	120 00	
P. S. Brown, assistant foreman, January salary	75 00	
O. Engle, subforeman, January salary	70 00	
R. Jones, subforeman, January salary	70 00	
Chas. Redding, subforeman, January salary	70 00	
P. H. McGrath, secretary Prison Directors, ¼ January salary	37 50	37 50
F. R. Collins, draftsman, 121½ hours at 70 cents	85 05	
Totals	$902 55	$412 50

Two extra guards $130 per month, making a total of $1,225 per month. I am also informed that one half of Mr. Oliver's salary is paid from this fund. Leaving this item out, the total seems to be $1,225 per month, or a total of $14,700 per year. We think that this is altogether too much to be paid for this class of work, as you can readily see that in three or four years it amounts to quite a large sum. The question we ask is, would not one good foreman at about $100 per month be all that is needed to accomplish the same results after Mr. Eckart, Sr., who, as we all know, is preëminent in his profession, has laid out the work?

We went over the jute bag situation slightly, and in the opinion of your committee, we believe that, so far as the Directors are concerned, everything is straight and right. The fault lies in the system of "first come, first served." We believe that this should be changed in some manner, so that every one who desires to avail themselves of the opportunity of getting bags should have an opportunity of getting their pro rata; however, this is now being looked into by a special committee, and we have no doubt but that it will be satisfactorily arranged. A committee of the guards made formal request that they be paid more salary, and while we believe that this should be left entirely in the hands of the Board of Prison Directors, we most respectfully recommend that arrangements be made that their salaries be raised, especially those who have families; however, we recommend that the appropriation for cottages to be used by the married men be allowed. As it is now, many of them live at some distance from the institution and have to pay an exorbitant house rental, leaving but very little to support and educate their children with. Mr. Oliver, the secretary of the board, locally in charge, also recommends that a small amount be set aside for a revolving fund that the officers and guards might avail themselves of the low price of supplies, as the State is in a position to purchase these supplies at a far less price than an individual; therefore the State would lose nothing, and the men who are connected with the institution would be benefited in a marked degree. We wish to speak especially of the services of Mr. Oliver, as

we find that he is especially qualified for the position he now holds, and is in close touch with the work of the institution.

Folsom.

We find that this institution is conducted in a much more satisfactory manner than the one at San Quentin. Mr. Yell, the Warden, seems to be one especially adapted to this class of work. The discipline seems to be almost perfect.

The inmates, while they are required to work very hard, all appear to be well and hearty, and make no complaint as to their treatment. While the quarters are somewhat crowded, as at San Quentin, we find that there are too many confined in a cell, yet it is exceptionally clean, and the ventilation one of the things that is being looked to. The prisoners find no fault with their food whatever, and say that they have plenty of it and it is good and wholesome.

The hospital, run under the direction of Dr. Gladding, is conducted in a very satisfactory manner. Those who are so unfortunate as to be placed in this department, not only find one who is thoroughly competent to care for their ailments, but find a friend as well, and we congratulate the board on securing the services of such a physician.

The new criminal insane hospital seems to be progressing in a very satisfactory manner, it being constructed entirely by the inmates of the institution, but as this work and the work of the new prison wall will be completed within the next few years, the State must soon look towards finding other employment for the inmates. We believe that the authorities should take steps to install some new industry, as the prisoners must be kept busy at something. The suggestion by Warden Yell that the institution take up the manufacture of toys would seem to this committee to be a good recommendation and one worthy of some thought, as it in no way would affect the labor interests of the State when we bear in mind that the toys in this country are imported largely from foreign countries.

We wish especially to impress upon your minds the increasing need of a better parole system in this State. While we now have a parole law, we find that it is accomplishing but very little good, and that there are a large number of prisoners in the two institutions who are subject under the law to parole that for some unknown reason it is not being carried out. There is no doubt in the world that if this law was put into effect as it was intended, with the aid of a good parole officer whose duty it would be to look out for the interests of those under parole, as well as those who have completed their sentence, we would find many less prisoners in our penal institutions. The great number who are now doing second and third terms is do doubt due to the fact that upon their release from the penitentiary they are provided with a cheap suit of clothes that is well known to every detective and police officer in the State, who consider that they have done a wonderful thing to have captured an ex-con. With no position provided for them upon their liberation, and no place to look to for help, feeling the sting of the degradation in their own hearts, there seems to be little incentive for them to rise out of the depths into which they have descended, but with the assistance of one interested in the welfare of these men, we believe that positions could be provided for them before release, and in a very short time they would have found their way back into the world, thereby relieving the State of this enormous and growing expense.

We further believe that steps should be taken looking towards a modern reformatory for the younger element, such as is now in vogue in many of the Eastern States and Europe. We would suggest one of two things: either making Folsom a penitentiary large enough to accommodate the older and more hardened criminals and converting San Quentin into a reformatory, or that the Governor appoint a commission for the purpose of selecting a suitable location for this character of an institution.

All of which is very respectfully submitted.

LYNCH, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

On motion of Mr. Cutten, Senate Bill No. 812 was taken up for the purpose of amendment.

Mr. Cutten moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out quotation marks in line 11, page 2, Section 1 of printed bill, and insert after word "same," in line 11, page 2, Section 1 of printed bill, the following: "and providing for the payment of judgments from the proceeds of bonds issued and sold under the provisions of an Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.'"

Motion carried.

The Speaker appointed Mr. Cutten as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 812, with instructions, do now report that the instructions of the Assembly have been carried out.

CUTTEN, Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint and on file for third reading.

RECESS.

At five o'clock and forty-five minutes P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

CONSIDERATION OF MEMBERS' URGENCY FILE.

Senate Bill No. 444—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 444 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Bishop, Boyle, Bush, Butler, Case, Coghlan, Cornish, Devlin, Forbes, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, McMullin, Otis, Percival, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Toomey, Transue, Vogel, Walsh, Wessling, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 207 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Cornish, Estudillo, Forbes, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Root, Sackett, Snyder, Spaulding Stanton, Strobridge, Transue, Vogel, Walsh, Weske, Wessling, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 535—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 535 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Devlin, Estudillo, Forbes, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 526 passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Coghlan, Cornish, Devlin, Estudillo, Forbes, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Transue, Vogel, Walsh, Weske, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bills Nos. 342 and 273—An Act providing for the organization and management of mutual fire insurance companies.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 933—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from such land for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipalities and its inhabitants with water.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 933 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Coghlan, Estudillo, Forbes, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, O'Brien, Otis, Percival, Pyle, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Transue, Walsh, Weske, Wessling, Wyatt, and Mr. Speaker—42.
NOES—None.

Mr. Stanton moved to amend the title of bill by striking out the title and inserting in lieu thereof the following:

An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from certain land of the State for the construction of such works, and to take certain waters belonging to the State for the purpose of supplying such municipalities and their inhabitants with water.

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 341—An Act providing for an appropriation of $8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about Sutter's Fort.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 341 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Coghlan, Collister, Cornish, Cullen, Forbes, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lemon, Lucas, Lynch, McConnell, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Toomey, Transue, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Estudillo, McClellan, and Weske—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 463—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling or transporting materials or supplies required in the construction or completion of any public work, improvement, utility, or for the purpose of maintaining or operating any such work, improvement, or utility.

During second reading of bill, the following amendments were submitted:

By Mr. Forbes:

Amend by striking out of Section 3, line 1 of the printed bill, the words "This Act shall take effect immediately," and insert in lieu thereof the following: "Notwithstanding any of the foregoing provisions, any city, town, or municipal corporation constructing any railroad under the provisions of this Act shall be, so far as the operation of such railroad is concerned, deemed a common carrier, and must, on payment of a reasonable compensation, in advance, carry all persons, property, and messages, offered or demanded to be carried; and no authority is or shall be conferred by the provisions of this Act, except on the conditions in this section provided."

Amendment read.

The question being on the adoption of the amendment.

The roll was called, and the amendment was refused adoption by the following vote:

AYES—Messrs. Barry, Berry, Bishop, Bush, Butler, Campbell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Forbes, John, Ludington, McClellan, McKeon, McMullin, O'Brien, Otis, Sackett, Snyder, Spaulding, Weske, and Whitmore—25.

NOES—Messrs. Beban, Bell, Birdsall, Boyle, Case, Chandler, Cogswell, Cullen, Drew, Estudillo, Hans, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, McConnell, Percival, Pierce, Pyle, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wilson, Wyatt, and Mr. Speaker—35.

By Mr. Stanton:

Amend by striking out all of Section 1 of printed bill, and inserting in lieu thereof the following:

SECTION 1. Any incorporated city, town, or municipal corporation in this State is hereby authorized to construct, equip, use, maintain, and operate any works, road, rail-

road, tramway, power plant, telephone or telegraph line, or other necesssary works or structures, within or without such city, town, or municipal corporation, or the county wherein such city, town, or municipal corporation is located, for the preparation, manufacturing, handling, or transporting of any materials or supplies required in the construction or completion by such city, town, or municipal corporation of any public work, improvement, or utility, and, for the purpose of constructing, equipping, using, maintaining or operating any such works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, such city, town or municipal corporation is hereby authorized to lease or acquire, by purchase, condemnation, or otherwise, and hold and use any land, rights of way, water, water rights, quarry, gravel bed, or other mineral deposits, or any other necessary property, within or without such city, town, or municipal corporation, or the county wherein such city, town, or municipal corporation is located.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 747—An Act to amend Section 777 of the Penal Code of the State of California, relating to local jurisdiction of public offenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Coghlan, Collister, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—Messrs. Bishop, Case, Chandler, Cogswell, Cornish, Costar, and Cutten—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1030—An Act to increase the number of judges of the Superior Court of the County of Alameda.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1030 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, O'Brien, Pierce, Pyle, Root, Snyder, Stetson, Strohl, Thompson of Los Angeles, Toomey Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—Messrs. Chandler, Cogswell, Costar, Drew, Forbes, Johnson of Sacramento, Lynch, Otis, Sackett, and Strobridge—10.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 759—An Act amending an Act entitled "An Act to provide for the appointment of a Board of Sutter's Fort Trustees and for the acquisition of the Sutter's Fort property, and providing for an appropriation for the preservation, protection, and improvement of said property," approved March 7, 1891.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 759 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis,

Pyle, Sackett, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—47.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Baxter moved that the vote whereby Assembly Bill No. 802—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles—was refused passage, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, Lucas, Lynch, McClellan, McConnell, O'Brien, Otis, Pierce, Root, Sackett, Snyder, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—47.
NOES—Messrs. Forbes, Leeds, Ludington, and Wyatt—4.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 802 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Sackett, Snyder, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Vogel, Weske, Whitmore, and Mr. Speaker—47.
NOES—Messrs. Case, Drew, Johnson of San Diego, Kelly, Lemon, Leeds, Ludington, Pierce, Transue, and Wyatt—10.

Title read and approved.
Bill ordered transmitted to the Senate.

Senate Bill No. 787—An Act to dissolve Protection District No. 2, of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 787 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Pierce, Root, Snyder, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.
NOES—None.

Title read and approved.
Bill ordered transmitted to the Senate.

Assembly Bill No. 313—An Act providing for courses of study in agriculture and domestic science in high schools, and making an appropriation in aid thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 313 passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McKeon, O'Brien, Pierce, Sackett, Snyder, Stetson, Strohl, Strobridge, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 95—An Act to appropriate the sum of fifty thousand ($50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the board of directors thereof, and providing for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 95 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, O'Brien, Percival, Pierce, Sackett, Snyder, Stetson, Strohl, Strobridge, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 16.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employés of the Senate and Assembly.

The Legislature of the State of California, at its regular session, commencing on the seventh day of January, in the year one thousand nine hundred and seven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that Sections 2 and 23 of Article IV of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year 1880 shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No bill shall be introduced in either house forty days after the commencement of each session without the consent of three fourths of the members thereof.

Section 23. The members of the Legislature shall receive for their services the sum of one thousand dollars for each regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each, for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty; and mileage to be fixed by law, all paid out of the State treasury; such mileage shall not exceed ten cents per mile, and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The Legislature may also provide for additional help, but in no case shall the total expense for officers, employés, and attachés exceed the sum of five hundred dollars per day for either house at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employé, or attaché be increased after he is elected or appointed.

Senate Constitutional Amendment read.

The question being on the adoption of Senate Constitutional Amendment.

The roll was called, and Senate Constitutional Amendment No. 16 adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Sackett, Snyder, Stetson, Strobridge, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—58.

NOES—None.

Senate Constitutional Amendment No. 16 ordered transmitted to the Senate.

Senate Bill No. 558—An Act entitled "An Act to grant rights of way over the public land of the State of California for ditches, tunnels, and telephone and transmission lines."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 558 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Root, Sackett, Snyder, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 788—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 788 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Sackett, Snyder, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—53.

NOES—Mr. Cutten—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1009—An Act to amend Section 827 of the Civil Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1009 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Chandler. Coghlan, Collister, Cornish, Cullen, Davis, Devlin, Drew, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, O'Brien, Otis, Pierce, Sackett, Snyder, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—48.

NOES—Messrs. Cutten, McKeon, and Wessling—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 432—An Act to amend Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.

During third reading of the bill, Mr. Hartmann moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out of line 2 of title of bill the following words: "The title and"; also out of lines 3 and 4 the following: "other than ex-Union soldiers and sailors."

Also: Strike out the period (.) after "thereof," line 5, page 1, and insert in lieu thereof a comma (,).

Also: Strike out of line 6, page 1, printed bill, the following: "Section 2 of said Act."

Also: Insert before letter "a," line 7, page 1, printed bill, the following: "Section 2."

Also: Strike out all of line 1, page 1, printed bill, after enacting clause, and insert in lieu thereof the following:

"Section 1. Section 2 of an Act entitled."

Motion carried.

The Speaker appointed Mr. Hartmann as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 432, with instructions, do now report that the instructions of the Assembly have been carried out.

HARTMANN, Select Committee.

Report of select committee, and amendments, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Senate Bill No. 825—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 825 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Coghlan, Collister, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Lemon, Ludington, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Sackett, Snyder, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wyatt, and Mr. Speaker—48.

NOES—Mr. Cornish—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 116—An Act declaring that no contract entered into during the holidays from and including the 19th day of April, 1906, to and including the 3d day of June, 1906, shall be held invalid by reason of being entered into on any such holidays, nor by reason of having been entered into prematurely on account of such holidays, and ratifying and confirming contracts so entered into.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 116 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire,

O'Brien, Otis, Root, Sackett, Snyder, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 900—An Act to amend Section 53 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the county and township officers and their terms of office.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 900 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lynch, McConnell, McGuire, O'Brien, Otis, Pierce, Root, Sackett, Snyder, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 292—An Act making an appropriation of five thousand ($5,000) dollars for the purpose of completing the photographic laboratory in combination with the fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 292 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Cogswell, Collister, Costar, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, O'Brien, Otis, Pierce Root, Sackett, Snyder, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 756 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bishop, Boyle, Bush, Butler, Case, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lynch, McClellan, McConnell, McGuire, McKeon, Otis, Pierce, Root, Sackett, Snyder, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 561—An Act to validate the organization and incorporation of municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 561 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Cornish and McConnell—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 367—An Act to repeal an Act entitled "An Act to increase the number of judges of the Superior Court of the County of Shasta, State of California, and for the appointment of such additional judges," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 367 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Root, Sackett, Snyder, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 627—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 627 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Leeds, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Root, Sackett, Snyder, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making appropriation therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 152 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Forbes, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Sackett, Snyder, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act.

SPECIAL ORDER SET.

On motion of Mr. Weske, the further consideration of Senate Bill No. 247 was made a special order for eleven o'clock A. M. of Saturday, March 9, 1907.

Senate Bill No. 264—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale of any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded.

SPECIAL ORDER SET.

On motion of Mr. Otis, the further consideration of Senate Bill No. 264 was made a special order for eleven o'clock A. M. of Saturday, March 9, 1907.

NOTICE OF MOTION TO RECONSIDER.

Mr. Beckett gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 802 was this day passed.

Assembly Bill No. 201—An Act to repeal Article II of Chapter V of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 201 passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, O'Brien, Otis, Pierce, Root, Snyder, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 281 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Lynch, McClellan, O'Brien, Otis, Snyder, Stanton, Stetson, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1000—An Act to repeal Article V of Title VI of Part III of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1000 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, John, Kelly, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Pierce, Snyder, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1001—An Act to repeal Article VI of Title VI of Part III of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1001 passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Cornish, Costar, Cullen, Davis, Devlin, Drew, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Pierce, Stanton, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1002—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter Ic, relating to the Woman's Relief Corps Home of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1002 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon,

Lucas, Ludington, Lynch, McConnell McGuire, McKeon, Snyder, Stanton, Stetson, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1915, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, and 1982 of the Code of Civil Procedure, to repeal Section 1973 thereof, and to add a new section thereto, to be numbered 1947*a*, all relating to evidence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 285 passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, Otis, Pierce, Root, Snyder, Stanton, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Bill read second time, and ordered on file for third reading.

At eleven o'clock P. M., Speaker pro tem. Transue in the chair.

MESSAGES FROM THE SENATE.

On motion of Mr. Lemon, messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 460—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.

Also: As a case of urgency, Senate Bill No. 930—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.

Also: Senate Bill No. 310—An Act to amend Sections 204, 205, 206, and 241 of the Code of Civil Procedure, relating to jurors for courts of record.

Also: Senate Bill No. 311—An Act to amend Section 330 of the Code of Civil Procedure and to add a new section thereto, to be numbered 248, both relating to jurors.

Also: Senate Bill No. 941—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Also: Senate Bill No. 885—An Act making an appropriation for the purchase and installment of improved materials and machinery, and improvements for the State Printing Office and bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 942—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1906, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Also: Senate Bill No. 943—An Act to empower the Board of Managers of the Southern California State Hospital to sell a right of way for an electric railroad.

Also: Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of

the said Commissioner, his deputy, his agents, and assistants and making an appropriation therefor.

Also: Senate Bill No. 937—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the City and County of San Francisco, and appropriating twenty-five thousand dollars therefor.

Also: Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.

Also: Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor.

Also: Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Also: Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Also: Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserves for commercial purposes.

Also: Assembly Bill No. 852—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.

Also: Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof."

Also: Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Also: Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203*a*, relating to liens.

Also: Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

Also: Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau and fixing his qualifications, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Also: Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Also: Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.

Also: Assembly Bill No. 1—An Act creating a board to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said boards, its agents, clerks and employés.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 151—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended, the following:

Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Also: Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

And respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 460 read first time, and referred to Committee on Education.

Senate Bill No. 930 read first time, and referred to Committee on Judiciary.

Senate Bill No. 310 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 311 read first time, and referred to Committee on Revision and Reform of Laws.

Senate Bill No. 941 read first time, and ordered on file without reference.

Senate Bill No. 885 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 942 read first time, and ordered on file without reference.

Senate Bill No. 943 read first time, and ordered on file without reference.

Senate Bill No. 166 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 937 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bills Nos. 890, 594, 16, 676, 828, 572, 852, 951, 428, 414, 948, 952, 953, 145, 333, and 1 ordered to enrollment.

Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

The question being, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 562?"

SENATE AMENDMENTS.

Amend Section 1, line 4, page 1 of the printed bill, by striking out the following: "one assistant bookkeeper."

Also: Amend Section 1, lines 9 and 10, page 1 of the printed bill, by striking out the following: "of the assistant bookkeeper one thousand six hundred dollars."

The roll was called, and Senate amendments to Assembly Bill No. 562 were concurred in by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, O'Brien, Pierce, Root, Stanton, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Whitmore, Wyatt, and Mr. Speaker—44.

NOES—None.

Assembly Bill 562 ordered to enrollment.

Assembly Bill No. 387, as amended by the Senate, was ordered on file as unfinished business.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON REVISION AND REFORM OF LAWS..

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 897—An Act to add a new chapter to Title VII of Part III of

the Political Code, to be known as Chapter XIV*a*, relating to a firemen's relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State—have had the same under consideration, and respectfully report the same back, with two amendments, and recommend that the same do pass as amended.

Also: Senate Bill No. 921—An Act to add a new article to Chapter III of Title I of Part III of the Political Code, to be known as Article XIV thereof, relating to the State Mining Bureau and a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the board of trustees of said bureau.

Also: Senate Bill No. 923—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter I*b*, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 899—An Act to add a new article to Chapter I of Title VIII of Part III of the Political Code, to be known as Article II*a*, relating to the sale of lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

Also: Senate Bill No. 898—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIV*b*, relating to a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WYATT, Chairman.

The above reported bills ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 207—An Act to amend Sections 1025 and 1031, both relating to costs in civil action.

Also: Senate Bill No. 110—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Senate Bill No. 789—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Also: Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the Superior Court.

Have had the same under consideration, and respectfully report the same back, without recommendation.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the Board of Supervisors.

Also: Assembly Bill No. 1034—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and Acts amendatory thereof, relating to the fees and salaries of county and township officers in counties of the seventh class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

THOMPSON of Los Angeles, Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bills have been correctly reëngrossed, viz:

Assembly Bill No. 42—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Also: Beg leave to report that the following Assembly bills have been correctly engrossed, viz:

Assembly Bill No. 923—An Act to add a new section to the Code of Civil Procedure, to be numbered 927, to provide for the payment of attorney fees in justices' courts and other inferior courts.

Assembly Bill No. 203—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.

Assembly Bill No. 998—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

HANS, Chairman.

The above reported engrossed bills were ordered on file for third reading.

Assembly Bill No. 42 ordered on file for passage.

SECOND READING OF BILLS.

Senate Bill No. 921—An Act to add a new article to Chapter III of Title I of Part III of the Political Code, to be known as Article XIV thereof, relating to the State Mining Bureau and a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the board of trustees of said bureau.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 923—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter I*b*, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 899—An Act to add a new article to Chapter I of Title VIII of Part III of the Political Code, to be known as Article II*a*, relating to the sale of lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 898—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIV*b*, relating to a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns, of the State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 897—An Act to add a new chapter to Title VII of Part III of the Political Code, to be known as Chapter XIV*a*, relating to a fireman's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of Section 1, page 3, lines 1 to 3 of printed bill, in Section 3347*b*, the words: "on the nineteenth day of May, 1906, or thereafter, shall have been duly appointed, or selected and sworn, and have," and inserting in lieu thereof the following: "has."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 1, page 3, lines 6 and 7 of printed bill, in Section 3347*b*, the words: "which may hereafter be," and inserting in lieu thereof a comma.

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 207—An Act to amend Sections 1025 and 1031, both relating to costs in civil action.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 110—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 789—An Act to amend Section 949 of the Code of Civil Procedure, relating to appeals.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the Superior Court.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "five," on line 2, first page, printed bill, and inserting in lieu thereof the following: "four."

Amendment adopted.

Bill read second time.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Senate Bill No. 872 considered.

Mr. Leeds moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 872, and do now report the same back, and recommend that it do pass.

TRANSUE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for coöperation in certain investigations by such board with the Interstate Commerce Commission.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 545—An Act to provide for the acquisition, equipment and use of a railway car for the purpose of distributing live fish, and stocking the waters of this State with fish, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal

corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Bill read second time.

Senate Bill No. 610—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified: For the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Bill read second time.

Mr. O'Brien moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 518 and 610.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Senate Bills Nos. 518 and 610 considered.

Mr. O'Brien moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 518 and Senate Bill No. 610, and do now report the same back, and recommend that they do pass.

TRANSUE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 639—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1034—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and Acts amendatory thereof, relating to the fees and salaries of county and township officers in counties of the seventh class.

Bill read second time, and ordered to engrossment.

Senate Bill No. 633—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 557—An Act entitled "An Act to regulate the recordation of the subscriptions to the capital stock of the water users' association."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 834—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof," approved March 21, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways, for the fifty-eighth fiscal year.

Bill read second time.

Mr. Baxter moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Senate Bill No. 873 considered.

Mr. Baxter moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 873, and do now report the same back, and recommend that it do pass.

TRANSUE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 131—An Act to amend Section 1576*a* of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries herein, providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 750—A new section is hereby added to the Political Code, to be known as Section 625*a*, relating to information to be furnished each county clerk by the Insurance Commissioner.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of an Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said mining bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 806—An Act to pay the claim of John E. Toler, and making an appropriation therefor.

Bill read second time.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Senate Bill No. 806 considered.

Mr. Leeds moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 806, and do now report the same back, and recommend that it do pass.

TRANSUE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Bill read second time, and ordered on file for third reading.

ADJOURNMENT.

At eleven o'clock and forty minutes P. M., on motion of Mr. Whitmore, the Speaker pro tem. declared the Assembly adjourned until ten o'clock A. M. of Saturday, March 9, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Saturday, March 9, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullen, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. Eshleman, Thompson of San Francisco, and Fratessa.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Pierce, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed, viz:

Assembly Bill No. 1034—An Act to amend Section 164 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and Acts amendatory thereof, relating to the fees and salaries of county and township officers of counties of the seventh class.

HANS, Chairman.

Assembly Bill No. 1034 ordered on file for third reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof relating to a license tax upon corporations, and adding a new section thereto for the purpose of carrying out the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 63—An Act to appropriate $10,000.00 for the establishment of a school of forestry at the University of California.

Also: Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of $5,000 therefor.

Also: Assembly Bill No. 2—An Act to pay the claim of H. M. Sitton and to make an appropriation therefor, for the sum of one thousand eight hundred and fifty-six dollars and seventy-eight cents ($1,856.78), on bond of the State of California, number 592, issued July 9, 1858.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

Also: Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals and the arrest, trial and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 911—An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Also: Assembly Bill No. 985—An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same.

Have had the same under consideration, and respectfully recommend that the authors be allowed to withdraw the same.

STROBRIDGE, Chairman.

Senate Bill No. 884 ordered on file for second reading.

WITHDRAWAL OF BILLS.

Mr. Whitmore asked for and was granted unanimous consent to withdraw Assembly Bill No. 911.

Bill withdrawn, and ordered stricken from the file.

Mr. Held asked for and was granted unanimous consent to withdraw Assembly Bill No. 985.

Bill withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 909—An Act relating to high schools and providing for their support by the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

Also: Assembly Bill No. 535—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools—have had the same under consideration, and respectfully report the same back, without recommendation.

SACKETT, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That Ed. J. Smith, History Clerk, and Geo. T. Berry, Assistant History Clerk, be and they are hereby allowed that compensation provided for in Section 269 of the Political Code of the State of California, said compensation being payable out of the appropriation for the Contingent Fund of the Assembly, for services to be rendered by them under the provisions of Section 261 of said Political Code, in conjunction with the Chief Clerk and the Assistant Clerk of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

LYNCH, Acting Chairman.

Mr. Lynch moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Hans, Held, Hewitt, John, Johnson of Sacramento, Jury, Leeds, Lucas, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, and Mr. Speaker—49.

NOES—Messrs. Hammon and Weske—2.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25c, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

THOMPSON of Los Angeles, Chairman.

Senate Bill No. 730 ordered on file for second reading.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

COMMITTEE ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Conference concerning Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year—report that we have met a like committee of the Senate, consisting of Senators Belshaw, Leavitt, and Savage, and we report that the conference committee have agreed, and do now recommend that the Assembly do concur in Senate amendments to said Assembly Bill No. 825.

HELD,
Chairman of Committee on Conference of the Assembly.

Mr. Held moved the adoption of the report, and that the Assembly concur in Senate amendments to Assembly Bill No. 825.

The question being put, "Shall the Assembly adopt the report and concur in the following Senate amendments to Assembly Bill No. 825?"

SENATE AMENDMENTS.

On line 22, page 2 of the printed bill, strike out the word "five," and insert in lieu thereof the word "twelve"; also, strike out the figures "500.00," on said line 22, page 1 of the printed bill, and insert in lieu thereof the figures "1,200.00."

Also: Amend by adding after Section 1, page 2 of the printed bill, the words "Bank Commissioners, two thousand dollars," and the figures "2,000.00" in parentheses."

Also: On page 2 of printed bill, between lines 14 and 15 thereof, insert the following: "Board of Equalization, printing annotated revenue laws, five hundred dollars ($500)."

Also: Amend Section 1 of the printed bill by striking out the words "eleven thousand nine hundred," in line 1, and insert in lieu thereof the words "fifteen thousand one hundred."

The roll was called, and the report was adopted and Senate amendments to Assembly Bill No. 825 were concurred in by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Leeds, Lucas, Lynch, McConnell, McKeon, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—48.

NOES—None.

Assembly Bill No. 825 ordered to enrollment.

MESSAGES FROM THE GOVERNOR.

Messages from the Governor were taken up and read as follows:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Assembly of the State of California:

I have the honor to return to your honorable body without my approval Assembly Bill No. 439—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.

This is a companion measure to Senate Bill No. 431, which I have already approved.

The two bills are identical, and it is therefore unnecessary to approve this measure.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Assembly of the State of California:

I have the honor to return to your honorable body without my approval Assembly Bill No. 506—An Act to amend an Act entitled "An Act to establish a uniform

system of county and township governments," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of the fifty-fifth class—and give the following reasons therefor:

This is an Act, as its title suggests, to amend certain sections of the County Government Act. As the same section is embraced within the general codification plan presented by the Code Commissioner, and to prevent a duplication of this section and encumbering the statutes with useless laws, I return this without my approval.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Assembly of the State of California:

I have the honor to return to your honorable body without my approval Assembly Bill No. 460—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class—and present the following reasons therefor:

As the title indicates, this is an amendment to the County Government Act, and I am informed that the same provisions have been made in the general codification of the County Government Act as presented by the Code Commissioner. This being true, should the said codification become a law this Act would be useless and of no effect.

I therefore return this bill without my approval.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Assembly of the State of California:

I have the honor to return to your honorable body without my approval Assembly Bill No. 24—Entitled an Act to amend the Penal Code of the State of California by adding thereto a new section, to be known and designated as Section 602*a*, relating to the tearing down of fences and the opening of gates, bars, and fences and the hunting upon lands of another, and the killing, maiming, or wounding of any animal, and the leaving of camp fires burning or unextinguished—and present the following reasons therefor:

By an examination of this measure and a comparison of the same with existing statutes, we find that all the provisions thereof are contained in Subdivisions 8 and 9 of Section 602, Penal Code, Section 384*a*, 384*b*, 384*c*, and Section 597, also of the Penal Code.

As these are already existing laws, the enactment of the proposed Section 602*a* would serve no good purpose and would tend to cause confusion.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Assembly of the State of California:

I have the honor to return to your honorable body without my approval Assembly Bill No. 310—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905—and present the following reasons therefor:

Under the present law minors are permitted to be employed in agricultural, horticultural, and viticultural or domestic labors during the time the public schools are not in session, or during other than school hours.

By the proposed amendment the word "horticultural" is stricken from the Act. I am satisfied it was the intention of the legislators to permit children during vacation time to work at horticultural pursuits, but through some error in the Act the word "horticulture" was unintentionally omitted.

The purpose of this Act was to extend the privilege of following these particular avocations, rather than further restricting such privilege, yet the Act itself produces an entirely opposite result.

For this reason I withhold my approval of the same.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Assembly of the State of California:

I have the honor to return to your honorable body without my approval Assembly Bill No. 3—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905, by adding Subdivision 19 thereto—and present the following reasons therefor:

As the title indicates, this is an amendment to the County Government Act, and I am informed that the same provisions have been made in the general codification of the County Government Act as presented by the Code Commissioner. This being true, should the said codification become a law this Act would be useless and of no effect.

I therefore return this bill without my approval.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 8, 1907.

To the Assembly of the State of California:

I have the honor to return to your honorable body without my approval Assembly Bill No. 544—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council—and present the following reasons therefor:

This is an Act designed to make certain amendments to the Street Improvement Act of 1885, commonly known as the Vrooman Act. Under the law, as it exists in the present Vrooman Act, it is the privilege of the protesting property owner, when he feels that any substantial rights he may have are being violated by the improvements contemplated, or by the proceedings taken by the city council or any of the municipal officers charged with the performance of the work, to enter a protest before the city council, setting forth his reasons and stating his objections to the proceedings taken. Should the council deny his protest and proceed with the work, the property owner has the right to present his objections to the court.

Under the proposed bill it is the design to compel the property owner to make his protests to the council at each step of the proceedings, and should he fail to make such protests he is concluded thereby; or, should he make such protest and the council determine in its wisdom that the protest is not well taken, such order of the council is deemed, under the proposed law, to be conclusive.

The object of this Act, as shown by the amendments therein contained, is to absolutely prevent the property owner from appearing in court and setting forth therein the reasons why he deems the proceedings taken to be erroneous.

Were this Act passed, it would be the duty of the property owner to protest to the council against the proceedings of that body, and when the council has made its order determining that such proceedings are not erroneous, no right of appeal is given and the property owner is forever precluded from further relief.

It seems to me to be most unwise to give the council both the right to take the proceedings and then pass upon their validity. It permits them to act and to be the judges of the legality of their own acts, and under this law, no matter how erroneous or illegal their acts might be, having determined them to be legal, the property owner has no remedy, but is compelled to forever hold his peace.

As a rule, members of a city council have little knowledge of the law and are compelled to rely in a great measure upon the advice of their attorney. Should this attorney give erroneous advice to the council—advice which he would subsequently find was not law, he could cure the illegality of the proceedings by advising the council to hold that their proceedings under such erroneous advice were, in fact, legal,

It would produce this peculiar condition, that having taken an illegal step, the council could cure the illegality of its proceedings by illegally declaring such illegal step to be legal.

I do not believe that it is right or proper to give to a non-judicial body the right to be ultimate judges of the legality of its own proceedings, and for this reason I return this bill without my approval.

J. N. GILLETT,
Governor of the State of California.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read as follows:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Also: Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 21—Relative to leave of absence to Geo. I. Cochran, Trustee of the State Normal School at Los Angeles.

Also: Senate Joint Resolution No. 12—Relative to mining interests and the creation of a United States cabinet officer to aid the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 444—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Also: Senate Bill No. 728—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.

Also: Senate Bill No. 32—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day receded from Senate Amendments Nos. 22, 28, 48, 54, and 63 to Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed as amended, the following:

Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

Also: Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

Also: Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education regarding fraternities in public schools.

Also: Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161, thereof, relating to salaries of county officers of counties of the fourth class.

And respectfully request your honorable body to concur in same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bills Nos. 630 and 869 ordered to enrollment.

SENATE CONCURRENT RESOLUTION No. 21.

Resolved by the Senate, the Assembly concurring, That George I. Cochran, a Trustee of the State Normal School at Los Angeles, be granted a leave of absence from the State for a period longer than sixty days.

Senate Concurrent Resolution read.

The roll was called, and Senate Concurrent Resolution No. 21 was adopted by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—53.
NOES—None.

Senate Concurrent Resolution No. 21 ordered transmitted to the Senate.

Senate Joint Resolution No. 12 referred to Committee on Mines and Mining.

Assembly Bill No. 975 ordered to enrollment.

Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 750?"

SENATE AMENDMENT.

On page 1, Section 2, strike out all of Section 2.

The roll was called, and Senate amendment to Assembly Bill No. 750 was concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, and Mr. Speaker—50.
NOES—None.

Assembly Bill No. 750 ordered to enrollment.

Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 751?"

SENATE AMENDMENT.

On page 1, Section 2, strike out all of Section 2.

The roll was called, and Senate amendment to Assembly Bill No. 751 was concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—56.
NOES—None.

Assembly Bill No. 751 ordered to enrollment.

Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education, regarding fraternities in public schools.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 587?"

SENATE AMENDMENTS.

On page 1, strike out all of title, and insert in lieu thereof the following: "An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to the duties of boards of school trustees and city boards of education in relation to social, literary, and athletic functions in the public schools of the State; prohibiting secret fraternities, sororities, or other secret societies in such public schools, or attendance of any pupil therein at any meeting thereof, or the use of the name of any such school in connection with any such secret fraternity, sorority, or other secret society, by any pupil or pupils therein; making any violation of the provisions of this Act or of any rule or regulation established thereunder, willful misconduct, providing punishment therefor and defining the meaning of the term board of trustees."

Also: On page 1, strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered Section 1893, to read as follows:

1893. 1. Boards of school trustees and city boards of education shall control and regulate all social, literary, and athletic functions in the schools in their respective jurisdictions, and for that purpose may establish rules and regulations to govern same. The organization of any secret fraternity, sorority, or secret society of any kind whatsoever composed of members of any school or schools in the jurisdiction of boards of school trustees and city boards of education, or the use of the name of any such school by any pupil or pupils therein in connection with any such secret fraternity, sorority or secret society of any kind whatsoever, is hereby prohibited. The attendance of any pupil of any such school at any meeting of any such secret fraternity, sorority or secret society of any kind whatsoever is also hereby prohibited.

The boards of school trustees and city boards of education shall establish rules and regulations to enforce the provisions of this section, and shall provide therein that each pupil in any such school shall on being enrolled as such pupil therein, agree in writing to abide by the provisions of this section and by all the rules and regulations established thereunder by such boards of school trustees or city boards of education, for any such school.

2. If any pupil of any such school under the jurisdiction of any such board of school trustees, or city board of education violates any of the provisions of subdivision one of this section or of any rule, or regulation established thereunder by any such board of school trustees or city board of education, he shall be deemed guilty of willful misconduct and shall be subject to suspension or expulsion therefor in the discretion of any such board of school trustees or city board of education having jurisdiction over the school in which such pupil is enrolled.

3. For the purposes of this section the term of the board of school trustees shall be construed to include board of trustees of any high school district.

SEC. 2. This Act shall take effect and be in force from and after its passage.

The roll was called, and Senate amendments to Assembly Bill No. 587 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Birdsall, Boyle, Butler, Case, Chandler, Coghlan, Collister, Cornish, Cullen, Devlin, Estudillo, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lucas, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—47.

NOES—Mr. Drew—1.

Assembly Bill No. 587 ordered to enrollment.

Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 918?"

SENATE AMENDMENTS.

On page 2, line 49, after the words "per annum," insert the following: "also, one deputy recorder, who shall receive a salary of twelve hundred dollars per annum."

Also: On page 3, line 61, strike out the word "twelve," and insert in lieu thereof the following: "fifteen."

Also: On page 3, strike out lines 71 to and including line 81, and insert in lieu thereof the following:

"5. The county treasurer, thirty-six hundred dollars per annum, and said treasurer may appoint one deputy treasurer who shall receive a salary of twelve hundred dollars per annum. All fees and commissions collected by him in his official capacity shall be paid into the county treasury; *provided*, that the county treasurer shall be entitled to retain for his own use the fees which are now or which may hereafter be allowed by the State law for the collection and payment to the State Treasurer of inheritance taxes, except that he shall not be entitled to retain more than the sum of one hundred dollars out of the inheritance taxes paid on account of any one estate. Whenever the fees received on account of any one estate paying inheritance taxes shall exceed the sum of one hundred dollars such excess shall be by the county treasurer paid into the county treasury as in the case of fees received by him from other sources. The deputy herein provided for shall be paid at the same time and in the same manner and out of the funds as is the county treasurer."

Also: On page 6, line 174, strike out the words "two hundred," and insert in lieu thereof the following: "one hundred and fifty."

Also: On page 4, line 109, strike out the word "twelve," and insert in lieu thereof the following: "fifteen."

The roll was called, and Senate amendments to Assembly Bill No. 918 were concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lynch, McClellan, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Transue, Weske, Whitmore, Wilson, and Mr. Speaker—49.

NOES—None.

Assembly Bill No. 918 ordered to enrollment.

Mr. Coghlan moved that consideration of Senate amendments to Assembly Bill No. 387 be now taken up.

Motion carried.

Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 387?"

SENATE AMENDMENT.

On page 1, Section 1, line 11, strike out the word "six."

The roll was called, and Senate amendment to Assembly Bill No. 387 was concurred in by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Costar, Cullen, Davis, Estudillo, Hans, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—48.

NOES—None.

Assembly Bill No. 387 ordered to enrollment.

REQUEST FOR INTRODUCTION OF BILL.

The following petition asking permission to introduce a bill out of order was offered:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 3713 of the Political Code, relating to the levy of taxes."

ESTUDILLO,
Member Seventy-eighth Assembly District.

Petition referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same with the recommendation that the author be permitted to introduce it. The number of said bill is as follows:

By Ways and Means Committee: Assembly Bill No. 1039—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

STANTON, Chairman.

The question being put, "Shall the member named by the Committee on Introduction of Bills, in conformity with committee's recommendation, be permitted to introduce the same?"

The roll was called, and permission to introduce Assembly Bill No. 1039 granted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Drew, Estudillo, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

INTRODUCTION OF BILL.

The following bill was introduced:

By Mr. Estudillo: Assembly Bill No. 1039—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Bill read first time, and placed on file without reference.

RESOLUTION.

The following resolution was offered:

By Mr. Estudillo:

Resolved, That Assembly Bill No. 1039 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Hans, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—Mr. Hammon—1.

SECOND READING OF BILL.

Assembly Bill No. 1039—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Bill read second time.

Mr. Estudillo moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Assembly Bill No. 1039 considered.

Mr. Estudillo moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1039—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes—and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill considered engrossed, and ordered to third reading.

THIRD READING OF BILL.

Assembly Bill No. 1039—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1039 passed by the following vote:

AYES—Messrs Barry, Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Hammon, Hans, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTIONS.

The following resolutions were submitted:

By Mr. Transue:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of J. C. Schaden, President Red Men's Hall Association, for the sum of two hundred and fifty ($250) out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same; said amount being in payment of the Assembly's portion, one half bill presented for unwarranted damages sustained by the building during this session of the Legislature, as per bill attached:

SACRAMENTO, CAL., March 8, 1907.

State of California,

To RED MEN'S HALL ASSOCIATION, Dr.

Damages to Red Men's Hall outside of ordinary wear and tear $500 00

Resolution referred to Committee on Contingent Expenses.

By Committee on Ways and Means:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Ways and Means respectfully recommends that the accompanying resolutions be adopted:

Resolved, That T. G. Walker, C. S. MacMullan, W. H. Wright, Harry E. Miller, H. M. Harford, H. A. Harper, Robert McKnight, J. W. Summerfield, S. N. Marsh, and J. P. Spaulding be and are hereby authorized and directed to remain after the close of the thirty-seventh session of the Legislature for the purpose of assisting the Chief Clerk in correcting and approving the Assembly bills; to compile, compare, and have printed, in connection with the Secretary of the Senate, a final calendar of all legislative business of both the Senate and Assembly of the thirty-seventh session of the Legislature, such as is usually issued by the Legislature.

The parties above named are allowed the amounts set opposite their respective names, as follows: T. G. Walker, two hundred dollars; C. S. MacMullan, two hundred dollars; W. H. Wright, two hundred dollars; Harry E. Miller, seventy-five dollars; H. M. Harford, one hundred and twenty-five dollars; H. A. Harper, seventy-five dollars; Robert McKnight, one hundred dollars; J. W. Summerfield, one hundred dollars; J. P. Spaulding, seventy-five dollars; S. N. Marsh, fifty dollars; and the State Controller is hereby directed to draw his warrants in favor of said persons in the said respective sums against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolved, That Committee Clerk C. Packscher and Bookkeeper J. H. Anderson of the Ways and Means Committee, and Committee Clerk Z. F. Wharton of the Judiciary Committee, respectively, be each allowed the sum of one hundred and fifty dollars as payment for additional services to be rendered the thirty-seventh session of the California Legislature, and for the completion of all unfinished clerical work of said committees after the adjournment of said Legislature; and the Controller is hereby directed to draw his warrants against the Contingent Fund of the Assembly in said amounts in favor of said C. Packscher, J. H. Anderson, and Z. F. Wharton, and the State Treasurer is directed to pay said warrants.

Resolved, That F. G. Hildebrand, Sergeant at-Arms of the Ways and Means Committee, be allowed the sum of seventy-five dollars as payment for additional services to be rendered the committee, and the Controller is hereby directed to draw his warrant against the Contingent Fund of the Assembly for said amount in favor of said F. G. Hildebrand, and the State Treasurer is hereby directed to pay the same.

Resolved, That Wm. Evans, Stenographer to the Ways and Means Committee, be allowed the sum of fifteen dollars, as payment for services rendered the said committee, and the Controller is hereby directed to draw his warrant against the Contingent Fund of the Assembly for said amount, and the Treasurer is hereby directed to pay the same.

Resolved, That the sum of two hundred dollars is hereby appropriated from the Contingent Fund of the Assembly, being in payment for telegraphing, telephoning, expressage, postage, hack hire (call of the House), etc.; the State Controller is hereby directed to draw his warrant in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the above amount, two hundred dollars, and the State Treasurer is hereby authorized and directed to pay the same.

Resolved, That the Sergeant-at-Arms be and he is hereby directed to stay and retain two Assistant Sergeants-at-Arms, four Porters, and four Watchmen, for one week after adjournment, for the purpose of storing all the furniture belonging to the Assembly Chamber, and for the use of the different committees; also to clear the Assembly Chamber and committee rooms; and the State Controller is hereby directed and authorized to draw his warrant in favor of J. T. Stafford for five hundred and fifty dollars, and the Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly.

Resolved, That C. W. Haub, bookkeeper to the Sergeant-at-Arms, be allowed the sum of one hundred and fifty dollars as payment for services rendered the Assembly and for the purpose of completing the work devolving upon said bookkeeper after the close of the session; and the Controller is hereby directed to draw his warrant out of the Contingent Fund of the Assembly for said amount in favor of said C. W. Haub, and the State Treasurer is hereby directed to pay the same.

Resolved, That Ben Cohn, Chief Assistant Sergeant-at-Arms, is allowed the sum of one hundred dollars, and J. D. Bailey and John Koford, Assistant Sergeants-at-Arms, the sum of fifty dollars each for services to be performed after the adjournment of the Legislature; and the State Controller is hereby directed to draw his warrant in favor of said Ben Cohn, J. D. Bailey, and John Koford for said sums, respectively, against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolved, That W. C. Guirey and Geo. W. Edwards and C A. Gowell, be and they are hereby authorized and directed to remain after the adjournment of the Assembly and assist the Chief Clerk in the performance of his duties, and the Controller is hereby authorized and directed to immediately draw his warrrant for seventy-five dollars in favor of W. C. Guirey, and also draw his warrant in favor of Geo. W. Edwards for fifty dollars, and also draw his warrant in favor of C. A. Gowell for fifty dollars, payable out of the fund for the contingent expenses of the Assembly, and the State Treasurer is hereby directed to pay the same.

Resolved, That E. W. Jones be and he is hereby authorized to remain after the adjournment of the Assembly to assist the Chief Clerk in the performance of his duties,

and the Controller is hereby authorized and directed to immediately draw his warrant for the sum of one hundred dollars in favor of said E. W. Jones, payable out of the fund for the contingent expenses of the Assembly, and the State Treasurer is hereby directed to pay the same.

Resolved, That M. T. Herzog, Bill Clerk, and F. L. Whitney, Bill Filer, be and they are hereby authorized and directed to remain seven days after the close of the thirty-seventh session of the California Legislature, to assist the Sergeant-at-Arms and the Chief Clerk of the Assembly in completing the work devolving upon them after the adjournment of the session, and that each be allowed the regular per diem of four dollars; and the State Controller is hereby directed to draw his warrant in favor of said persons in the said respective sums against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolved, That Pauline Smith, Postmistress, and Evelyn Brill, First Assistant Postmistress, be and they are hereby directed to remain for one week after the final adjournment of the Assembly for the purpose of caring for the mail and sending the same to members and others, and that they be allowed their regular per diem therefor, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant in payment of same, and the State Treasurer is hereby authorized and directed to pay the same.

Resolved, That W. A. Price, Engrossing and Enrolling Clerk of the Assembly, and W. N. Speegle and R. J. Kenefick, his assistants, be and they are hereby employed after the final adjournment, for the purpose of completing the work of that department and delivering the books and registers into the hands of the Secretary of State, and that W. A. Price be allowed the sum of seventy-five dollars, and W. N. Speegle and R. J. Kenefick be each allowed the sum of fifty dollars, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant for said amounts in favor of the above named persons, and the Treasurer is hereby directed to pay the same.

Resolved, That R. L. Dempsey, Journal Clerk of the Assembly, and his assistant, J. F. R. Arellanes, be and they are hereby employed after the final adjournment for the purpose of completing the work devolving upon them in comparing and delivering the corrected and approved journals and the five bound copies of the same (as required by law), to the Chief Clerk of the Assembly when completed, and that R. L. Dempsey, Journal Clerk, be allowed seventy-five dollars, and J. F. R. Arellanes be allowed fifty dollars from and after the final adjournment of the thirty-seventh session of the Legislature, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant for the same in favor of the above named persons, and the Treasurer is hereby directed to pay the same.

Resolution re-referred to Committee on Ways and Means.

Assembly Constitutional Amendment No. 23—Proposed amendment to Section 3 of Article XI of the Constitution, relative to the formation of new counties.

Assembly Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Chandler moved a call of the House.

Motion carried.

Time, twelve o'clock and twenty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beban, Beckett, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lynch, McClellan, McConnell, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Strobridge, Thompson of Los Angeles, Transue, Wilson, Wyatt, and Mr. Speaker—49.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and thirty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Chandler.

The roll of absentees was called.

Whereupon the Speaker announced that Assembly Constitutional Amendment No. 23 was refused adoption by the following vote:

AYES—Messrs. Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Snyder, Spaulding, Strobridge, Thompson of Los Angeles, Weske, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—Messrs. Barry, Beban, Coghlan, Hammon, Hartmann, Kelly, Kohlman, Leeds, Pierce, Root, Stanton, Stetson, Strohl, Toomey, Transue, Vogel, and Wilson—17.

SPECIAL ORDER SET.

On motion of Mr. Drew, the further consideration of Senate Committee Substitute for Senate Bills Nos. 21 and 394—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions—was made a special order for two o'clock P. M. of this day.

On motion of Mr. Transue, the time for recess was extended ten minutes.

SPECIAL ORDER.

On motion of Mr. Estudillo the special order heretofore set for consideration was at this hour taken up.

RESOLUTION BY MR. ESTUDILLO.

Resolved, That the Speaker of the Assembly be and he is hereby authorized and empowered to appoint a committee of five members to examine into and report upon all matters in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printing Office; also to examine into and report upon the methods pursued by said State Printer in the purchase of supplies, equipment, and all necessary materials, with a view of ascertaining whether or not in the furnishing of such supplies and equipment the best interests of the State are subserved, to the end that the Department of State Printing will be enabled fo furnish supplies of printing, binding, ruling, etc., to the various departments of the State at a reasonable compensation, and at figures which will compare favorably with the charges made for like work by private institutions.

Resolved, That the said committee be, and it hereby is, authorized and empowered to do any and all things necessary to have a full and complete investigation of the matters hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony. Members of said committee are, and each of them is, hereby authorized to administer oaths; and all the provisions of Article VIII of Chapter II, Title I and Part III of the Political Code of this State relative to the "attendance and examination of witnesses before the Legislature and committees thereof," applies to the committee appointed under this resolution, and the Sergeant-at-Arms of the Assembly is hereby authorized and directed to serve any and all subpœnas and orders, or other process, that may be issued by the chairman of said committee when directed to do so by the chairman.

And be it further resolved, That said committee report the result of its investigations and recommendations to the thirty-eighth session of the California Legislature; and that the said committee shall also report to the Governor of the State of California the result of its investigations and recommendations immediately upon the completion of its labors; and there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of $500 to pay the charges and costs to be incurred by the said committee to be appointed hereunder for clerical and other assistance and for fees of witnesses attending said investigation, and for other expenses connected with said investigation aside from the personal expenses of the members of said committee, and the Controller is hereby directed to draw his warrant for $500 in favor of the chairman of said committee, when appointed, and the Treasurer is hereby directed to pay the same, for said purposes.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Beckett, Berry, Bishop, Butler, Chandler, Cogswell, Coghlan, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Mr. Speaker—49.

NOES—Messrs. Beban, Boyle, Bush, Collister, Cullen, Kelly, Strohl, and Wyatt—8.

RESOLUTION.

The following resolution was submitted:

By Mr. Cornish:

Resolved, That the sum of seventy-five dollars be and the same is hereby allowed Mrs. E. E. Curtis for extra services rendered the Assembly Committee on Judiciary as Stenographer, and in closing up the work of said committee after the adjournment of the Legislature; and the sum of fifty dollars be, and the same is hereby allowed Miss Dona R. Hall for extra services rendered the Assembly Committee on Judiciary as Assistant Stenographer, and in closing up the work of said committee after the adjournment of the Legislature; and the sum of fifty dollars be, and the same is hereby allowed G. J. Fink for extra services rendered the Assembly Committee on Judiciary as Assistant Stenographer and Assistant Clerk and in closing up the work of said committee after the adjournment of the Legislature.

Resolution read, ordered printed in the Journal, and referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 23—Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the first day of March, 1907.

Assembly Bill No. 640—An Act to add a new section to the Political Code, to be numbered Section 2295*a*, and relating to supplying the State Library with State publications for exchange purposes.

Assembly Bill No. 619—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section, to be numbered Section 8*a*.

Assembly Bill No. 636—An Act to amend Section 266 of the Political Code of California, relating to the mileage of members of the Legislature.

Assembly Bill No. 702—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.

Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Assembly Bill No. 867—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6*a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.

Assembly Bill No. 177—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops, and the amount to be deducted as tare.

Assembly Bill No. 886—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.

Assembly Bill No. 875—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia.

Assembly Bill No. 765—An Act to amend Section 20 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.

Assembly Bill No. 814—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members, who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties, and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.

Assembly Bill No. 887—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing, or relocation of bridges over navigable waters between said counties, jointly with other persons or corporations.

Assembly Bill No. 648—An Act compelling the attendance of children at schools where tuition, lodging, food, and clothing are furnished at the expense of the United States.

Assembly Bill No. 812—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts."

Assembly Bill No. 616—An Act to add a new section to an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law February 25, 1901, relating to the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, to be known as Section 12½, and providing for the validation of proceedings taken by cities, towns, and municipal corporations, for the incurring of indebtedness for the purpose of acquiring, constructing, completing, or repairing any wharf or wharves, and making valid any such indebtedness incurred or any bond which has been or may be issued in pursuance of any such proceedings.

Assembly Concurrent Resolution No. 19—Relative to adjournment *sine die*.

And were presented to the Governor March 9th, at eleven o'clock A. M.

HANS, Chairman.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Senate Committee Substitute for Senate Bills Nos. 21 and 394—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 21 and 394 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Lucas, Ludington, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Smith, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Whitmore, and Wyatt—45.

NOES—Messrs. Spaulding and Mr. Speaker—2.

Title read and approved.

Bill ordered transmitted to the Senate.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. Transue, Assembly Bill No. 491—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901—was recalled from the Committee on Engrossment and Enrollment, and ordered to print for correction.

RECONSIDERATION.

In compliance with his notice given on a previous day, Mr. Weske moved that the vote whereby Senate Bill No. 247—An Act to regulate and license the hunting of game birds and animals, and to provide revenue therefrom for game preservation and restoration, and to make appropriation for the purpose of carrying out the objects of this Act—was refused passage, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Chandler, Cornish, Costar, Cullen, Cutten, Davis, Drew, Hammon, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, O'Brien, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, and Whitmore—43.

NOES—Messrs. Barry, Bishop, Boyle, Butler, Campbell, Case, Coghlan, Devlin, Estudillo, Finney, Forbes, Hans, Hartmann, Held, John, Lynch, McConnell, McKeon, Otis, Percival, Wyatt, and Mr. Speaker—22.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 247 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Chandler, Cornish, Costar, Cullen, Cutten, Davis, Drew, Hammon, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, O'Brien, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, and Weske—41.

NOES—Messrs. Barry, Bishop, Boyle, Butler, Campbell, Case, Devlin, Estudillo, Finney, Forbes, Hans, Held, John, Lynch, McConnell, McKeon, Otis, Percival, Whitmore, Wyatt, and Mr. Speaker—21.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais

Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 813 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of $1,000 to pay the expense of printing said bonds, and providing for the submission of this Act to a vote of the people.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 812 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Cornish, Cutten, Davis, Devlin, Drew, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Percival, Pyle, Sackett, Spaulding, Stanton, Strohl, Strobridge, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 581—An Act to amend Section 3 of an Act entitled "An Act making an appropriation for the erection and construction of additional cells at the State Prison at San Quentin, for the purchase of powder, tools, and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of an electrical apparatus, and providing additional accommodations for prisoners at the State Prison at San Quentin, and for other expenses incidental and relating thereto," approved March 18, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 581 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds,

Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stanton, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title I*a*, relating to State schools of industry and reform for juvenile offenders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 738 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Cutten, Davis, Devlin, Drew, Finney, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 600—An Act to create a commission on revenue and taxation to investigate the system of revenue and taxation in force in this State, and to formulate and regulate legislation for the revision and reform of the revenue laws, said commission to succeed and take the place of the present Commission on Revenue and Taxation, and to be composed of the Governor, the Controller, the Chairman of the State Board of Equalization, all three ex officio, two members of the State Senate, and one member of the Assembly, and an expert on taxation and public finance, also authorizing the Governor to appoint said expert, and authorizing the Senate to appoint two members, to define the duties and powers of the commission, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 600 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Costar, Cullen, Davis, Devlin, Drew, Finney, Hans, Held, Hewitt, Higgins, John, Johnson of San Diego, Leeds, Lemon, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 842—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by sale of bonds under said Act, whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 842 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Case, Cogswell, Coghlan, Costar, Cutten, Davis, Devlin, Finney, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlmann, Leeds, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pyle, Root, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—44.

NOES—Mr. Wyatt—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 681—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 681 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Birdsall, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Drew, Finney, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 719—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 719 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Boyle, Case, Chandler, Cogswell, Coghlan, Cullen, Cutten, Drew, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—42.

NOES—Messrs. Davis, Devlin, Percival, Pyle, and Wyatt—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

During third reading of the bill, Mr. Cutten moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the words "nineteen hundred and seven," Section 1, page 1, of the printed bill, the following: "and subsequent to the first day of January, nineteen hundred and one."

Motion carried.

The Speaker appointed Mr. Cutten as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 761, with instructions, do now report that the instructions of the Assembly have been carried out.

CUTTEN, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and on file for passage.

SENATE CONCURRENT RESOLUTION No. 3.

Resolution relative to the appointment of committees to investigate and report upon the condition of the harbors of the State.

WHEREAS, The constantly increasing commerce of the ports of California demand greater facilities for the handling of shipping; and

WHEREAS, The interests of the entire State are affected by the harbors of the State; be it

Resolved, That a special committee of six members be appointed from the Legislature of the State of California, consisting of three members from the Senate, to be appointed by the President thereof, and three members from the Assembly, to be appointed by the Speaker thereof, to investigate the conditions of the harbors of the State, and to make recommendations for legislation necessary to be enacted at the next session of the Legislature.

Resolved, That it is the sense of the Legislature that the report should be comprehensive in all respects and that it should include not only existing conditions and facilities but also recommendations for financing future permanent improvements.

Resolved, That the said joint committee shall have the power to subpœna witnesses, send for persons and papers and to issue subpœnas when necessary.

Resolved, That the necessary traveling and incidental expenses of said joint committee shall be paid out of the contingent expenses of the respective houses.

Senate Concurrent Resolution read.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Boyle, Chandler, Cogswell, Coghlan, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—Messrs. Beban, Campbell, Case, Cornish, and Otis—5.

Senate Concurrent Resolution No. 3 ordered transmitted to the Senate.

Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 785 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Davis, Devlin, Forbes, Hans, Held, John, Johnson of

Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McGuire, Otis, Percival, Pierce, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS.

Assembly Bill No. 653—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 653 passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Campbell, Case, Cornish, Costar, Cullen, Cutten, Davis, Estudillo, Forbes, Hartmann, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Mr. Spaulding—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered Section 317½, prohibiting the publication of certain advertisements.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 434 passed by the following vote:

AYES—Messrs. Baxter, Bishop, Campbell, Case, Cogswell, Coghlan, Cullen, Davis, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Hewitt, Higgins, John, Kelly, Leeds, Lemon, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—42.

NOES—Mr. Cornish—1.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was submitted:

By Mr. Transue:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the Treasurer is hereby authorized to pay the

same for the sum of $204.86 in favor of J. T. Stafford, Sergeant-at-Arms, the same being in payment of bills attached:

F. R. Pulford	$8 00
H. E. Sleeper	2 75
Schneider, Chappell & Jones	8 30
John Breuner	33 81
A. J. Johnston Co.	43 15
W. F. Purnell	87 85
Fashion Stable	17 50
H. McWilliams	3 50
	$204 86

Resolution referred to Committee on Contingent Expenses.

THIRD READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 204—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 204 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Drew, Estudillo, Finney, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Sackett, Spaulding, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 923—An Act to provide for the payment of attorney fees in justices' courts and other inferior courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 923 passed by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Boyle, Campbell, Coghlan, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann. Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—Messrs. Case, Chandler, Cogswell, Cornish, Costar, Davis, Otis, Weske, and Wessling—9.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 34.

A resolution to propose to the people of the State of California the amendment of Section 26 of Article IV of the Constitution of said State, relating to lotteries and to fictitious sales of corporate stock, etc.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the 7th day of January, 1907, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that Section 26 of Article IV of the Constitution of the State of California be amended so as to read as follows:

Section 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any corporation or association. All contracts for the purchase or sale of the shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and con-

templating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this State.

Senate Constitutional Amendment read.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Transue moved a call of the House.

Motion carried.

Time, four o'clock and ten minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Barry, Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—61

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Stetson, Johnson of San Diego, Campbell, Berry, and Strobridge were brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and fifteen minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called.

Whereupon the Speaker announced that Senate Constitutional Amendment No. 34 was adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Cogswell, Coghlan, Cornish, Cullen, Davis, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Root, Sackett, Snyder, Spaulding, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—56.

NOES—Messrs. Case, Chandler, Costar, Cutten, Devlin, Higgins, John, Otis, Pyle, and Wyatt—10.

Senate Constitutional Amendment No. 34 ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 28.

A resolution to propose to the people of the State of California an amendment to Section 16 of Article IV of the Constitution in relation to the approval and return of bills by the Governor and the exercise of the veto power.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its thirty-seventh session, commencing on the 7th day of January, nineteen hundred and seven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that Section 16 of Article IV of the Constitution of the State of California, be amended so as to read as follows:

Section 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall

enter such objections upon the Journal, and proceed to consider it. If, after such reconsideration, it again pass both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

Assembly Constitutional Amendment read.

The roll was called, and Assembly Constitutional Amendment No. 28 adopted by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Campbell, Case, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Assembly Constitutional Amendment No. 28 ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section to be numbered 21, of Article XX thereof, relative to the number of hours of labor or employment in a calendar day.

Assembly Constitutional Amendment read.

The roll was called, and Assembly Constitutional Amendment No. 26 refused adoption by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Campbell, Chandler, Coghlan, Cornish, Cullen, Davis, Devlin, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Pierce, Pyle, Root, Snyder, Spaulding, Strohl, Toomey, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—Messrs. Case, Cogswell, Costar, Drew, Percival, Sackett, Strobridge, and Thompson of Los Angeles—8.

Assembly Bill No. 879—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections, by eliminating all references therein to the party circle on ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 879 refused passage by the following vote:

AYES—Messrs. Baxter, Bishop, Campbell, Case, Chandler, Cogswell, Costar, Davis, Devlin, Drew, Forbes, John, Johnson of Sacramento, Lucas, McConnell, McKeon, O'Brien, Percival, Pyle, Sackett, Snyder, Thompson of Los Angeles, Walsh, Weske, and Whitmore—25.

NOES—Messrs. Beban, Berry, Birdsall, Coghlan, Cornish, Cullen, Cutten, Finney, Hammon, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Ludington, Lynch, McClellan, Otis, Pierce, Root, Spaulding, Strohl, Strobridge, Toomey, Transue, Vogel, Wilson, Wyatt, and Mr. Speaker—33.

Assembly Bill No. 964—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 964 passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Butler, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Finney, Hammon, Held, Hewitt, John, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Strohl, Thompson of Los Angeles, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 17—Relative to the amending of the legislative powers in certain reservations.

Assembly Constitutional Amendment read.

The roll was called, and Assembly Constitutional Amendment No. 17 refused adoption by the following vote:

AYES—Messrs. Baxter, Bishop, Campbell, Case, Cogswell, Costar, Davis, Hans, Held Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Lucas, Lynch, McConnell, McGuire, McKeon, Percival, Pierce, Pyle, Sackett, Stetson, Walsh, and Whitmore—26.

NOES—Messrs. Beban, Berry, Birdsall, Chandler, Coghlan, Cullen, Drew, Finney, Hammon, Hartmann, Jury, Kelly, Kohlman, Leeds, Ludington, McClellan, Otis, Root, Snyder, Spaulding, Strohl, Toomey, Transue, Vogel, Weske, Wilson, Wyatt, and Mr. Speaker—28.

Assembly Bill No. 906—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 906 passed by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Bush, Case, Cogswell, Coghlan, Costar, Cutten, Finney, Forbes, Hammon, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, O'Brien, Pierce, Pyle, Root, Sackett, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—43.

NOES—Messrs. Baxter, Campbell, Chandler, Cullen, Davis, Devlin, Drew, Hans, Held, Higgins, Otis, Percival, Snyder, Spaulding, Strohl, and Weske—16.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 941—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 915—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchises or privileges granted by the legislative or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.

Assembly Bill No. 872—An Act to create a fund to be known as the United States Forest Reserve Fund, and to provide for the payment out of such fund to the treasuries of the several counties entitled thereto of certain moneys received from the Government of the United States, and also to regulate the manner of expenditure by the counties of the moneys so paid.

Assembly Bill No. 966—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relating to the place and court in which actions in eminent domain must be brought.

Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes, and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Assembly Bill No. 484—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries, and provide for the expense of the establishment and maintenance thereof.

Assembly Bill No. 665—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.

Assembly Bill No. 677—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.

Assembly Bill No. 466—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.

And were presented to the Governor March 9, 1907, at three o'clock P. M.

Also: Beg leave to report that the following Assembly bill has been correctly reëngrossed, viz:

Assembly Bill No. 1003—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.

HANS, Chairman.

Assembly Bill No. 1003 ordered on file for passage.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 259—An Act appropriating one hundred and fifty thousand dollars ($150,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto—have had the same under consideration, and respectfully report the same back, without recommendation.

ESTUDILLO, Chairman.

Senate Bill No. 259 ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Transue:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the Treasurer is authorized to pay the same,

for the sum of $204.86 in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, the same being for the payment of the following bills attached:

F. R. Pulford	$8 00
H. E. Sleeper	2 75
Schneider, Chappell & Jones	8 30
John Breuner	33 81
A. J. Johnston Co.	43 15
W. F. Purnell	87 85
Fashion Stable	17 50
H. McWilliams	3 50
	$204 86

Have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

BERRY, Chairman.

Report read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Campbell, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—61.

NOES—None.

RESOLUTION.

The following resolution was unanimously submitted:

By Mr. Hartmann:

WHEREAS, It has been the custom in the past for the members of the Legislature and the chief officers thereof to have their photographs taken in group, to be placed in the Blue Book; and

WHEREAS, Our beloved Chaplain, Rev. P. H. Willis, being and now is one of the honored officers of this Assembly, and one who has done his duty as our Chaplain, and has faithfully cared for our spiritual welfare, and whose photograph has not been placed in the group containing photographs of the members and officers of this Assembly; therefore, be it

Resolved, That we, the members of this Assembly of the thirty-seventh session of the Legislature, do not consider the group of pictures complete without that of our Chaplain; and, be it further

Resolved, That we, the members of this Assembly of the thirty-seventh session of the Legislature of the State of California, refuse to purchase said group of pictures until the likeness of our Chaplain be placed thereon.

Resolution read and, on motion, adopted.

RECESS.

At five o'clock and thirty minutes P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records,

other than court records or public records of private writings, when such public records have been lost, injured, or destroyed by conflagration or other public calamity—have had the same under consideration, and respectfully report the same back, without recommendation.

Also: Senate Bill No. 854—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 311—An Act to amend Section 230 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 248, both relating to jurors—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass.

WYATT, Chairman.

Senate Bill No. 311 ordered on file for second reading.

THIRD READING OF SENATE CODE BILLS.

Senate Bill No. 352—An Act to repeal Section 599 of the Penal Code, as approved March 18, 1905, and to add a new section thereto, to be known as Section 599*f*, both relating to the killing of any elk within the State of California.

Bill read third time.

The question being on the passage of the bill.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Transue moved a call of the House.

Motion carried.

Time, eight o'clock and twenty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Baxter, Beban, Bell, Campbell, Case, Chandler, Cogswell, Costar, Cullen, Davis, Drew, Estudillo, Finney, Forbes, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lemon, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—46.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Coghlan, Walsh, Cornish, Stetson, Bishop, Lucas, Leeds, Cutten, Ludington, and Devlin were brought before the bar of the House, and, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and forty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Transue.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wyatt, and Mr. Speaker—49.

NOES—Mr. O'Brien—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 361—An Act to repeal Section 526 of the Penal Code, making it a misdemeanor to sell or offer for sale any ticket or tickets to a theater or other public places of amusement for more than the original price thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 361 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stetson, Thompson of Los Angeles, Toomey, Transue, Weske, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 305—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 305 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Boyle, Campbell, Case, Chandler, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Leeds, Lemon, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 306—An Act to amend Section 139 of the Code of Civil Procedure and to repeal Section 140 thereof, both relating to proceedings in cases of absence of judge.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Bush, Campbell, Case, Chandler, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hartmann, Held, Higgins, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas,

Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Pierce, Pyle, Root, Sackett, Stetson, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wyatt, and Mr. Speaker—47.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 307—An Act to amend Section 144 of the Code of Civil Procedure, relating to places of holding court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 307 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 415—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 415 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Chandler, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

At nine o'clock and fifteen minutes P. M., Speaker pro tem. Transue in the chair.

Senate Bill No. 483—An Act to amend Section 3902 of the Political Code, relating to the division of the State into counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Bush, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Ludington, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Smyth, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 485—An Act to repeal Section 3366 of the Political Code, relating to the imposition of license taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 485 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Bishop, Bush, Campbell, Case, Chandler, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 486—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 486 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Bush, Butler, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Snyder, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Wilson, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

During the third reading of the bill, Mr. Wyatt moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the semicolon at the end of line 13, Section 1, page 1 of the printed bill, and insert at the end of said line the following: "of the Civil Code."

Motion carried.

The Speaker appointed Mr. Wyatt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 418, with instructions, do now report that the instructions of the Assembly have been carried out.

WYATT, Select Committee.

Report of select committee, and amendment, adopted.

Bill read third time, and ordered to reprint and on file for passage.

Senate Bill No. 421—An Act to amend Section 1118 of the Code of Civil Procedure, relating to the setting of a day by the Superior Court for trial of contested election cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 421 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin,

Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 622—An Act to repeal Section 273 of the Penal Code, as approved March 7, 1905, and to add a new section thereto, to be known as Section 273*f* thereof, both relating to the protection of children under eighteen years of age.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 622 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Butler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Hammon, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Spaulding, Stetson, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 202—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 202 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Forbes, Hammon, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Lynch, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 203—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 203 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Davis, Drew, Estudillo, Fisher, Forbes, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 204—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 204 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bush, Campbell, Case, Chandler, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stanton, Stetson, Thompson of Los Angeles, Transue, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 209—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 209 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Campbell, Case, Chandler, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stanton, Stetson, Thompson of Los Angeles, Transue, Weske, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 210—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 210 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Strohl, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 211—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 211 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman,

Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Strobridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 213—An Act to amend Section 803 of the Code of Civil Procedure, relating to action for the usurpation of an office or franchise.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 213 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stetson, Thompson of Los Angeles, Transue, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 215—An Act to repeal Section 749 of the Code of Civil Procedure, as approved March 31, 1891, relating to service of summons by publication in actions relating to real property in this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Thompson of Los Angeles, Transue, Walsh, Weske, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 216—An Act to amend Section 740 of the Code of Civil Procedure, relating to actions for the recovery of property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 216 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Butler, Campbell, Case, Chandler, Coghlan, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Transue, Weske, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 304—An Act to repeal Section 115 of the Code of Civil Procedure, relating to the criminal jurisdiction of justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 304 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 312—An Act to amend Sections 352 and 355 of the Code of Civil Procedure, both relating to the time of commencing actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 312 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Cornish, Cullen, Davis, Devlin, Forbes, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, and Wyatt—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 320—An Act to amend Sections 566 and 567 of the Code of Civil Procedure, both relating to receivers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 320 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wilson, and Wyatt—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 321—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 321 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 416—An Act to repeal Sections 288, 289, 290, 291, 292, 293, 294, and 295 of the Political Code, all relating to the contesting of elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 416 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Collister, Cornish, Davis, Devlin, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 201—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110*a*, requiring notice to be given to the real parties in interest in certain proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 201 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Cornish, Costar, Davis, Devlin, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 205—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 205 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 319—An Act to amend Sections 539, 553, 554, and 555 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 319 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Devlin, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Luding-

ton, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 328—An Act to amend Sections 656, 658, 659, 660, 661, and to renumber and amend Section 663½ of the Code of Civil Procedure, all relating to new trials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 328 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cutten, Davis, Devlin, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 924—An Act to add a new article to Chapter I, of Title III, of Part III, of the Political Code, to be known as Article VII, relating to education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 924 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 208—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil action.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 208 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Drew, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 218—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 218 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 220—An Act to amend Sections 681, 687, 688, and 689 of the Code of Civil Procedure, all relating to execution in civil cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 220 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 313—An Act to amend Sections 387, 388, and 389 of the Code of Civil Procedure, all relating to parties to civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 313 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Thompson of Los Angeles, Transue, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 314—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 314 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes,

Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Thompson of Los Angeles, Toomey, Transue, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 317—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 317 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Thompson of Los Angeles, Toomey, Transue, Weske, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 330—An Act to amend Section 1365 of the Code of Civil Procedure, relating to persons entitled to administer on the estates of decedents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 330 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Pierce, Pyle, Root, Sackett, Thompson of Los Angeles, Toomey, Transue, Weske, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 357—An Act to amend Section 1239 of the Penal Code, relating to the time in which appeals may be taken in criminal actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 357 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Transue, Weske, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 359—An Act to amend Section 1475 of the Penal Code, relating to the issuance of writs of habeas corpus and to petitions

therefor, and to service of copies thereof upon the district attorney in certain cases, and to the discharge of persons on such writs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 359 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Butler, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Thompson of Los Angeles, Transue, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 423—An Act to add a new section to the Political Code, to be known as Section 3975*a*, providing for the transfer of certain moneys from one county to another when a new county has been formed and organized.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 423 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Transue, Walsh, Whitmore, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 424—An Act to amend the Code of Civil Procedure by adding a new title thereto, to be known as Title XIV of Part III, relating to special proceedings; said title to relate to proceedings for the adjustment, settlement, and payment of any indebtedness existing against any city or municipal corporation at the time of exclusion of territory therefrom, and the division of the property thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 424 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Transue, Walsh, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 484—An Act to repeal Section 3977 of the Political Code, to add a new section thereto, to be known as Section 3975*b*, and to amend Sections 3976, 3981, and 3985 thereof, all relating to county seats and proceedings for the change thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 484 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Transue, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 303—An Act to repeal Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79 of the Code of Civil Procedure, all relating to courts of justice.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 303 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Barry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Stohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 641—An Act to amend Section 52 of the Political Code, relating to residence.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 641 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 219—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700*a*, both relating to execution sales.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 219 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Butler, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson,

Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 318—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 318 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 783—An Act to add three new sections to the Code of Civil Procedure of the State of California, to be known as numbers 953*a*, 953*b*, and 953*c*, relating to a new and alternative method for the preparation of records to be used on appeals, judgments, orders, or decrees of the Superior Court to the Supreme Court or District Courts of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 783 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 896—An Act to add three new sections to the Code of Civil Procedure, to be known as sections numbers 941*a*, 941*b*, and 941*c* of said Code, respectively, providing a new and alternative method by which appeals may be taken from judgments, orders, or decrees of the Superior Court of the State of California, to the Supreme Court or District Courts of Appeal thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 896 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson,

Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 316—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, and 459 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 316 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 322—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, to repeal Section 582 thereof, as approved March 11, 1872, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 322 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 323—An Act to amend Sections 602 and 615 of the Code of Civil Procedure, both relating to jury trials.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 323 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 326—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 326 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 358—An Act to amend Section 1467 of the Penal Code of California, relating to the taking, hearing, and determination of appeals to the Superior Court in criminal actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 358 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 861—An Act to amend the Civil Code, by adding thereto a new section, to be numbered 290*a*, relating to corporations authorized to act as executor, administrator, guardian, assignee, receiver, depositary, or trustee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 861 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 327—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 327 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Luding-

ton, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 913—An Act to amend Section 1386 of the Civil Code, relating to succession of the property of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 913 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 329—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 329 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 922—An Act to repeal Article XIV, of Chapter III, of Title I, of Part III of the Political Code, relating to sealers of weights and measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 922 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 925—An Act to add a new chapter to Title V, of Part III of the Political Code, to be known as Chapter II*a*, relating to the

support and maintenance of orphans, half orphans, and abandoned children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 925 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 926—An Act to add a new chapter to Title V, of Part III of the Political Code, to be known as Chapter IV*a*, relating to the State Commissioner of Horticulture, prescribing the powers, duties, and compensation of the State Commissioner of Horticulture, and providing methods, means, and penalties for the enforcement of such powers and duties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 926 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 927—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter IV*b*, relating to the promotion of the horticultural interests of the State, by providing for county boards of horticulture.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 927 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 214—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 214 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 212—An Act to amend Sections 832, 836, 845, 848, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906 of the Code of Civil Procedure, and to repeal Section 837 thereof, all relating to civil actions in justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 212 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 417—An Act to amend Section 4452 of the Political Code, relating to liabilities of counties and cities for injuries to property by mobs or riots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 417 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 898—An Act to add a new chapter to Title VII, of Part III, of the Political Code, to be known as Chapter XIV*b*, relating to a police relief, health and life insurance and pension fund in the several counties, cities and counties, cities and towns, of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 898 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacra-

mento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 921—An Act to add a new article to Chapter III, of Title I, of Part III, of the Political Code, to be known as Article XIV thereof, relating to the State Mining Bureau and a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the board of trustees of said bureau.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 921 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Stetson, Thompson of Los Angeles, Transue, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 923—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter I*b*, relating to the Industrial Home of Mechanical Trades for the Adult Blind.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 923 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Hammon, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Sackett, Transue, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 899—An Act to add a new article to Chapter I, of Title VIII, of Part III, of the Political Code, to be known as Article II*a*, relating to the sale of lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 899 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Campbell, Case, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds,

Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Thompson of Los Angeles, Transue, Weske, Wyatt, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 206—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 206 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Campbell, Case, Cogswell, Coghlan, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Thompson of Los Angeles, Transue, Weske, Wyatt, and Mr. Speaker—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

At ten o'clock and thirty minutes P. M., Speaker Beardslee in the chair.

SECOND READING OF BILLS.

Senate Bill No. 642—An Act to amend Section 384*c* of the Penal Code, relating to the injuring of animals by persons hunting.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 286—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas.

Bill read second time, and ordered to engrossment.

Senate Bill No. 311—An Act to amend Section 330 of the Code of Civil Procedure and to add a new section thereto, to be numbered 248, both relating to jurors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 458—An Act to amend Section 655 of the Civil Code, relating to the things in which property may exist.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 339—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 287—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 61—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of lands claimed by the State of California fronting on the Bay of San Diego.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title of real property partitioned by decree of court.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 854—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 802—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 708—An Act to amend Section 608 of the Penal Code, and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring, or setting adrift rafts or vessels.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 632—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by co-owner or co-partner.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 660—An Act to amend Sections 3804 and 3805*a* of the Political Code, relating to the refunding of taxes and the cancellation of certificate of tax sales.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting, and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Bill read second time, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Mr. Johnson of Sacramento, further consideration of Senate Bill No. 940 was made a special order for eleven o'clock A. M. of Monday, March 11, 1907.

BILL RECALLED FROM COMMITTEE.

Mr. Walsh moved that Senate Bill No. 259—An Act appropriating two hundred and fifty thousand dollars ($250,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto—be recalled from the Committee on Ways and Means and placed on Senate special file.

Motion carried.

MESSAGE FROM THE SENATE.

On motion, the following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day ordered returned as per request:

Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code and to add a new Title II of Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 811 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Case, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Hewitt, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, O'Brien, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

NOES—Mr. Otis—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Messrs. Otis and Strobridge asked for and were granted unanimous consent to file, and have printed in the Journal, the following protest against the passage of Senate Bill No. 811:

MR. SPEAKER: We, the undersigned members of the Assembly from the County of Alameda, do hereby protest against the action of the Assembly on Senate Bill No. 811, commonly known as the County Government Bill, and state our grounds as follows:

The bill as originally prepared was a codification of the various laws relating to the county governments and correctly contained the laws now in force. Since its preparation it has been so amended as to increase the salaries of many of the Alameda County officials, and to add many deputies and other employés, the latter being designated by various names with the admitted object of making the appointments lawful.

Two years ago the salaries of our county officials were adjusted by the Legislature, and the sums then fixed were supposed to continue in force for a long time to come, at least until January, 1911, so far as the same applied to counties of the third class, which then and now embraces the County of Alameda only.

After the San Francisco disaster, and only two months before the present session of the Legislature, we passed through a political campaign, wherein numbers of men struggled desperately to get these offices at their present salaries. Evidently they were satisfied with them then, and we submit that it ought not to be a hardship to hold them to the bargain that was at least implied. Nothing whatever was said during the campaign about salaries, nor about the volume of work required to satisfactorily perform the duties of the offices. We concede that the work in some of the offices had increased, especially in the recorder's office, in the district attorney's office, in the tax collector's office and in the sheriff's office, but in our honest opinion we do not think it has increased in the other offices to such an extent as to justify the increases in salaries and employés allotted by this bill. The increase is out of proportion to the needs.

We beg leave to quote from the platform of the last Republican Convention of the County of Alameda, held in Oakland on the 8th day of September, 1906.

"*Resolved*, That we hereby pledge the candidates nominated at this convention to the highest efficiency in their respective offices, and the greatest economy possible to efficient public service.

"*Resolved*, That we condemn the needless extravagance of paying to a county assessor a salary equal to that of other officials and in addition thereto large commissions on poll tax and personal property tax collections unsecured by real property.

"*Resolved*, That we pledge our legislative delegation to amend the County Government Act reducing said commissions."

The present and proposed laws, as we make the computation, make the annual salary expense as follows:

	Present Law.	Proposed Law.
County clerk	$20,800 00	$31,900 00
Biennial registration	2,350 00	6,750 00
Sheriff	20,500 00	28,600 00
Recorder and actual expense of copying documents	12,100 00	15,700 00
Auditor	8,800 00	14,400 00
Treasurer	6,600 00	8,400 00
Tax collector	12,500 00	16,200 00
Assessor	29,125 00	40,175 00
District attorney	14,100 00	20,400 00
Superintendent of schools	5,400 00	8,800 00
Two justices' court rooms	----------	600 00
Totals	$132,275 00	$191,925 00
Proposed increase	$59,050 00	

The assessor will also receive 6 per cent on all unsecured personal property taxes collected by him, and 15 per cent on all poll taxes. The judges will, if the bill be passed, receive an increase as mentioned below.

Many of the officials and deputies are personal friends whom we hold in the highest esteem. We believe, however, that we owe a higher duty to the people, and especially the taxpayers, of our county. The County of Alameda is already burdened with a high tax rate, one that has been constantly growing until it has become excessive. The rate of interest to borrowers on their loans is for this reason about two per cent per annum higher than in San Francisco. The cause appears manifestly to be in the expensive, though efficient, county government under which the county affairs are managed.

We especially call attention to the fact that our amendments relating to the 6 per cent commission on unsecured personal property and 15 per cent commission on poll taxes, all being in addition to the assessor's annual salary of $4,000 per annum, were voted down by this Assembly.

It is extremely unfortunate that members of the Legislature have no way of ascertaining definitely the justice of proposed increases of salaries of the various county officials. There ought to be some way to submit these matters to freeholders' conventions held in their respective counties, or else the party conventions, either in their platforms or by resolution, should finally dispose of the matter, thus giving to the two houses of the Legislature much needed light upon so important a subject. Except by the adoption of some such course, the Legislature has absolutely no way of determining the needs of those offices.

We also call attention to the fact that this Assembly has passed a bill giving an additional judge of the Superior Court to our county, entailing a further annual expense of $2,500.00 and possibly $3,000.00 per annum; that another measure is pending by which the salaries of our superior judges will be increased $2,500.00 and perhaps $3,000.00 per annum; that if precedent has any weight, the expense for bailiff, clerk, court room, etc., of the new judge will impose another great expense upon the county, which expense, in the last instance that a new judge was appointed, amounted to about $30,000 00.

While we wish to be just and fair to the incumbents of all our county offices, yet we do not feel that, in justice to our constituents, we can conscientiously support the proposed measure, and therefore protest against the same.

Respectfully,

FRANK OTIS,
EDW. K. STROBRIDGE.

Senate Bill No. 786—An Act to provide for the construction and maintenance of a fire boat for the protection of shipping, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 786 finally passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Case, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 291—An Act making an appropriation of one thousand six hundred and twenty-one ($1,621) dollars to pay the Regents of the University of California for moneys appropriated by them to rebuild the barn at the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of the State in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Case, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Hewitt, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Sonora and Mono road, a State highway, under the supervision of the Department of Highways, for the fifty-eighth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 873 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

At eleven o'clock P. M., Speaker pro tem. Transue in the chair.

Senate Bill No. 942—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1906, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 839—An Act to amend Section 4 of an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. O'Brien moved a call of the House.

Motion carried.

Time, ten o'clock and forty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hewitt, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullen, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock P. M. further proceedings under the call of the House were dispensed with, on motion of Mr. O'Brien.

The roll of absentees was called.

Whereupon the Speaker announced that Senate Bill No. 839 was finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Campbell, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hewitt, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, and Wyatt—46.

NOES—Mr. Case—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 597—An Act to amend Section 1 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the construction thereof and the exemption of the community property from the tax thereby imposed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 597 finally passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Campbell, Case, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Hewitt, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Wyatt—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 706—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and all other expenses of the National

Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 706 finally passed by the following vote:

AYES—Messrs. Beban, Berry, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Wyatt—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 870—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bulkheads, sheds, streets, and seawalls, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 870 finally passed by the following vote:

AYES—Messrs. Beban, Berry, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, McMullin, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—48.

NOES—Mr. Cornish—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 910—An Act to provide for the holding of certain meetings by the State Board of Railroad Commissioners in various parts of the State of California, and for the coöperation in certain investigations by such board with the Interstate Commerce Commission.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 910 finally passed by the following vote:

AYES—Messrs. Beban, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, Otis, Percival, Pyle, Root, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were

added to said Code by an Act approved March 23, 1901,'' as amended by an Act approved March 9, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 finally passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Bishop, Chandler, Cogswell, Coghlan, Cornish, Cullen, Davis, Devlin, Drew, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McGuire, McKeon, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Whitmore, Wilson, and Wyatt—44.

NOES—Mr. Case—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 459—An Act to amend Section 200 of an Act entitled ''An Act to establish a Code of Civil Procedure,'' approved March 11, 1872, relating to the exemptions from jury duty.

Bill read second time, and ordered to third reading.

Senate Bill No. 432—An Act to amend Section 2 of an Act entitled ''An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities,'' approved March 20, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 432 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, O'Brien, Otis, Percival, Pierce, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—47.

NOES—Messrs. Cogswell and Forbes—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 392—An Act to add a new section to the Code of Civil Procedure, to be known as Section 2039, relative to taking depositions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 392 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, O'Brien, Otis, Pierce, Root, Sackett, Spaulding, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, and Wyatt—44.

NOES—Messrs. Case and Costar—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Walsh moved that the Sergeant-at-Arms of the Assembly be instructed to visit Mr. McConnell at the Capital Hotel and instruct him to return Senate Bill No. 259 to the desk of the Assembly.

Mr. Davis moved the following as a substitute to the motion of Mr. Walsh:

That the Sergeant-at-Arms of the Assembly visit Mr. McConnell at the Capital Hotel and inform him that his presence is desired in the Assembly.

Substitute accepted by Mr. Walsh.

The question being upon the substitute as offered by Mr. Davis.

The question was put.

Motion carried.

Senate Bill No. 653—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," approved February 10, 1903, by adding thereto a new section, to be numbered 10½.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 653 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McGuire, McKeon, O'Brien, Otis, Pierce, Root, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 840—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of California, 1850-1907, inclusive.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 840 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Bishop, Campbell, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bills Nos. 342 and 273—An Act providing for the organization and management of mutual fire insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 342 and 273 finally passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Bishop, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, McClellan, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Root, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, and Wilson—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 259—An Act appropriating two hundred and fifty thousand dollars ($250,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Read second time, and ordered on file for third reading.

ADJOURNMENT.

At twelve o'clock, midnight, on motion of Mr. McConnell the Speaker declared the Assembly adjourned until eleven o'clock A. M. of Sunday, March 10, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Sunday, March 10, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—54.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. Eshleman and Smyth.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Wilson, its further reading was dispensed with.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 768—An Act to promote the horticultural interests of the State by providing county commissions of horticulture, and repealing the Act entitled "An Act to promote the horticultural interests of the State," approved March 31, 1897, and amended

and approved March 20, 1905—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that the same do pass as amended.

BIRDSALL, Chairman.

Senate Bill No. 768 ordered on file for second reading.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 109—An Act to appropriate the sum of $1,500 to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Senate Bill No. 343—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals or produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products, and places where dairy products are handled and sold to improve the quality of dairy products of the State; to prevent the deception in the sale of dairy products, and to appropriate money for enforcing its provision," by amending Sections 2 and 12, making provisions for enforcing the above Act as amended by appropriating money therefor.

Also: Senate Bill No. 935—An Act providing the conditions upon which maps outlining the subdivision of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder.

Also: Senate Bill No. 150—An Act to define trusts and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Also: That the Senate on this day passed the following, as cases of urgency:

Senate Bill No. 135—An Act to amend Section 3817 of the Political Code of California, relative to the redemption of real estate sold for taxes.

Also: Senate Bill No. 945—An Act making an appropriation of $300 to pay the claim of George H. P. Shaw against the State of California.

Also: Senate Bill No. 615—An Act to provide for the reproduction of books, documents, maps, or records of any city, county, or city and county, board or officer, where the same have been destroyed by conflagration or other public calamity.

Also: Senate Bill No. 946—An Act making an appropriation of $300 to pay the claim of George H. P. Shaw against the State of California.

Also: Senate Bill No. 493—An Act to define, prohibit, and punish the desecration, mutilation, or improper use of the flag of the United States of America and to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1889.

Also: Senate Bill No. 947—An Act providing for the appointment of a Consulting Board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to the restrainment of mining debris, the construction of certain works necessary and incident to the restrainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 868—An Act to amend Section 1240 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

Also: Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for

extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in said channels, and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes.

Also: Assembly Bill No. 651—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Also: Assembly Bill No. 916—An Act to amend Section 16 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor, to be known as the Building and Loan Commissioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices, are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemptions of property of associations in liquidation from attachments, executions, and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof.

Also: Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code and to add a new section to said Code, to be numbered Section 590*a*, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts or stones, or guide posts on or near highways, to the punishment thereof, and to the disposition of fines collected therefor.

Also: Assembly Bill No. 892—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California, to pay for janitor services for said court, and to provide for the maintenance of a law library for said court; also to pay for furnishing and equipping the chambers, court room, clerk's and stenographer's rooms, and the library.

Also: Assembly Bill No. 880—An Act making an appropriation to repay to Thomas Bair moneys paid by him into the county treasury of Humboldt County for land purchased by him under location 1223.

Also: Assembly Bill No. 749—An Act to amend an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employés of State institutions," approved March 19, 1903.

Also: Assembly Bill No. 974—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Also: Assembly Concurrent Resolution No. 21—Relative to work done by the Outdoor Art League for the Five Percentum Bill.

LEWIS A. HILBORN, Secretary of Senate.
By O. A. FOSTER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day requested the return to the Senate of Senate Bill No. 150—An Act to define trusts and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State—for further consideration.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day receded from Senate amendments to Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Committee Substitute for Senate Bills Nos. 21

and 394—An Act to establish a standard form of fire insurance policy and to prevent variations therefrom, except under certain stated conditions and restrictions.

Also: Senate Bill No. 813—An Act to authorize and direct the Board of State Harbor Commissioners to institute condemnation proceedings against certain property north of India Basin and extending to Islais Creek, in the City and County of San Francisco, and extending their jurisdiction over the same.

Also: Senate Bill No. 812—An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of $1,000 for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people.

Also: Senate Bill No. 738—An Act to add a new title to Part III of the Penal Code, to be known as Title I*a*, relating to State schools of industry and reform for juvenile offenders.

Also: Senate Bill No. 785—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 19, 1903, and March 20, 1905, by amending Section 162 thereof, relating to the fees and the salaries of county and township officers in counties of the fifth class.

Also: Senate Bill No. 933—An Act granting to municipal corporations of the State of California rights of way over public lands of the State for the location, construction, and maintenance of water works and power plants, and the right to take material from such land for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipalities and its inhabitants with water.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Committee Substitute for Senate Joint Resolution No. 7—Relative to the naturalization of Japanese.

Also: Resolution, by Senator Belshaw:

WHEREAS, The Assembly bill making an appropriation to pay the claim of Frank Higgins against the State of California was defeated in the Senate; and

WHEREAS, The integrity of the State of California is involved in this claim; and

WHEREAS, It would be a violation of good faith with the Assembly to introduce any bill in the Senate at this time; therefore, be it

Resolved, That the Senate hereby asks permission of the Assembly to introduce a bill which shall cover the claim of Frank Higgins against the State of California.

Also: Senate Joint Resolution No. 13—Relative to barriers and works to restrain mining debris.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended, the following:

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Also: Assembly Bill No. 589—An Act to add a new article to Chapter III of Part III of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribihg their duties and powers.

Also: Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Also: Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals.

Also: Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement, or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

Also: Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

Also: Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof."

Also: Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities having a population of more than fifteen thousand.

Also: Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

Also: Assembly Bill No. 353—An Act to amend Section 2 of an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895, so as to provide for the cost of maintenance of certain persons committed for certain offenses.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 109 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 343 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 935 read first time, and referred to Committee on Judiciary.

Senate Bill No. 150 read first time, and referred to Committee on Judiciary.

Senate Bill No. 135 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 945 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 615 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 946 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 493 read first time, and ordered on file without reference.

Senate Bill No. 947 read first time, and ordered on file without reference.

Assembly Bills Nos. 924, 868, 991, 651, 916, 860, 892, 880, 749, 974, and 758, and Assembly Concurrent Resolution No. 21 ordered to enrollment.

Senate Joint Resolution No. 7 referred to Committee on Federal Relations.

SENATE JOINT RESOLUTION No. 13.

WHEREAS, Under the provisions of an Act of Congress entitled "An Act to create the California Debris Commission, and regulating hydraulic mining in the State of California," approved March 1, 1893, certain works intended to restrain mining debris are contemplated to be constructed on certain rivers and their respective tributaries draining the territory tributary to the Sacramento and San Joaquin river systems in the State of California;

WHEREAS, Though over twelve years have passed since the passage of said Act, only the barriers provided for certain places on the Yuba River, have been commenced;

WHEREAS, There has been ever since the passage of said Act, urgent and absolute need for the construction of barriers, or other works, intended to restrain debris of like character with those now in course of construction on the Yuba River, on all the remaining rivers and their respective tributaries upon which under the provisions of said Act, it is contemplated to construct such works;

WHEREAS, Such works are extensive in character, and their construction must of necessity be in sections, thus requiring, as the Yuba system has shown, many years for their completion;

WHEREAS, The construction in sections of such barriers and works simultaneously, or as nearly so as practicable, on all such rivers and their respective tributaries as contem-

plated by said Act, would be of incalculable benefit to the river interests and to the mining industry of the State; therefore, be it

Resolved by the Senate and Assembly jointly, That we respectfully urge upon the Congress of the United States, the enactment of such laws as will permit the construction of such barriers and works as are contemplated by said Act, in sections to the end that the protection provided therein shall be made possible at the earliest possible date, on all the said rivers and their respective tributaries; and we further respectfully urge the making by Congress of necessary appropriations to carry out the purposes of said Act; be it further

Resolved, That our Senators and Representatives in Congress be and they are hereby requested to use all honorable means to secure the legislation and appropriations hereinabove referred to; be it further

Resolved, That the Governor of California be and he is hereby requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress, to the respective houses of Congress and to the Secretary of War.

Senate Joint Resolution read.

The roll was called, and Senate Joint Resolution No. 13 was adopted by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Davis, Devlin, Finney, Forbes, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, McConnell, McKeon, O'Brien, Otis, Pierce, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Vogel, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—44.

NOES—None.

Senate Joint Resolution No. 13 ordered transmitted to the Senate.

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1021?"

SENATE AMENDMENTS.

Strike out of Article 1 the words "of county roads," and insert in lieu thereof the following: "main county highways."

Also: Amend Section 1 by striking out all of lines 1, 2, and 3, and inserting in lieu thereof the following:

"SECTION 1. Upon a petition of one half of the qualified electors of a county being presented to the board of supervisors they may adopt a."

Also: On line 27, Section 7, page 5, strike out the words "superintendent of roads," and insert in lieu thereof the following: "county road superintendent."

Also: Amend Section 7, lines 40, 41, and 42, by striking out: "The county road superintendent shall superintend all work on county or district roads."

Also: Amend Section 6, line 8, to read "until all main highways," striking out "county roads."

Also: Amend Section 13, line 22, by adding the word "a" after the word "of."

Also: Amend Section 18 by striking out all of lines 1 and 2, and inserting in lieu thereof the following:

"SEC. 18. The district assembly may vote money not exceeding fifty cents on the one hundred dollars of assessed valuation in any one fiscal year, for any."

Also: Section 28, line 4, strike out the words "unincorporated cities or."

Also: By striking out of Section 1 the entire line 3, and inserting in lieu thereof the following: "visors after due hearing they shall adopt a county highway plan, by which shall."

Also: By striking out of Section 3 the entire line 1, and inserting in lieu thereof the following:

"SEC. 3. After the hearing mentioned in Section 1 of this Act, it shall be the duty of the board of."

Also: By striking out of Section 8, line 1, the entire line 1, and inserting in lieu thereof the following:

"SEC. 8. As soon as practicable after the adoption of the county highway plan shall have."

Also: By adding after Section 27 the following:

"SEC. 27*a*. The county board of supervisors may create road districts, in addition to those provided for in this Act, out of territory lying within towns, or additions adjacent to incorporated cities or towns."

The roll was called, and Senate amendments to Assembly Bill No. 1021 were concurred in by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Percival, Pierce, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, and Wilson—45.

NOES—None.

Assembly Bill No. 1021 ordered to enrollment.

Assembly Bill No. 589—An Act to add a new article to Chapter III of Part III of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 589?"

On pages 4, 5, and 6, Section 546, strike out all of said Section 546, and insert in lieu thereof the following:

SEC. 546. Any corporation mentioned in section three of this Act, including banks in liquidation or insolvency, shall, whenever required by the Board of Bank Commissioners, make a report in writing to the commissioners, verified by the oath of its president and its secretary, or cashier, or its two principal officers. Said report shall show the actual financial condition of the corporation making the report at the close of any past day by the commission specified, by stating:

First—The amount of its capital stock, and the number of shares into which it is divided; or, if not incorporated, the amount of capital actually paid in and by whom.

Second—The names of the directors, and the number of shares of stock held by each; or, if not incorporated, the names of each member of the firm and the amount of capital stock paid in by each.

Third—The total amount actually paid in, in money, by stockholders for capital stock, and the total amount of contingent and other reserve fund, if any.

Fourth—The total amount due to depositors.

Fifth—The total amount and character of any other liabilities it may have.

Sixth—The amount at which the lot and building, occupied by the bank for the transaction of its regular business, stands debited on its books, together with the market value of all other real estate held, whether acquired in settlement of loans or otherwise; the amount at which it stands debited on the bank books; in what county situated, and in what name the title is vested, if not in the name of the corporation itself.

Seventh—The amount loaned on real estate, specifying the amount secured on real estate in each county separately; also, specifying the name of the person in whose name the property is held in trust, or as security, in case it is held in any name other than that of the bank, and the instrument creating the security does not of itself disclose the name of the bank.

Eighth—The amount invested in bonds, designating each particular class, and the amount thereof.

Ninth—The amount loaned on stocks and bonds, designating each particular class, and the amount thereof.

Tenth—The amount of money loaned on other securities, with a particular designation of each class, and the amount loaned on each.

Eleventh—The actual amount of money on hand or deposited in any other bank or place, with the name of the place where deposited, and the amount in each place.

Twelfth—Any other property held or any amount of money loaned, deposited, invested, or placed, not otherwise herein enumerated, with the place where situate, and the value of such property, and the amount so loaned, deposited, or placed.

The oaths of the officers to the statements above required shall state that they, and each of them, have a personal knowledge of the matters therein contained, and that they believe every allegation, statement, matter, and thing therein contained is true; and any willfully false statement in the premises shall be perjury, and shall be punished as such. The reports as provided for by this section shall by the commissioner be required from each and every corporation herein mentioned at least three times in each year, and shall be transmitted to the commissioners within five days after the receipt from them of a request or requisition therefor.

Also: On page 8, Section 548, after line 90, insert a new section, as follows:

SEC. 548*a*. When the bank commissioners shall have taken control of a bank, banking company or banking corporation, with possession of its property and assets, pursuant to the provisions of the preceding section, they shall have full power to sell any portions which they deem perishable, to realize on securities where they deem depreciation of value to be imminent, to preserve liens of any and every kind, protect the property from waste, dissipation, and tax liens and in this behalf they shall have all the

powers of trustees of an implied trust, otherwise they shall preserve all the property intact, so near as may be, until the final determination of the action in the preceding section provided.

Also: On page 8, Section 549, line 4, strike out the word "four," and insert in lieu thereof the following: "five."

Also: On page 9, Section 552, lines 1 to 15, strike out all of said Section 552, and insert in lieu thereof the following:

SEC. 552. The said commissioners shall keep their office open for business from nine o'clock A. M. until four o'clock P. M. every day, except non-judicial days. They shall procure rooms necessary for their office, at a rent not to exceed two hundred ($200) dollars per month. They may also provide stationery, fuel, and other conveniences necessary for the transaction of their duties, not exceeding in the aggregate the sum of seven thousand five hundred ($7,500) dollars per annum, for the year 1907 they may provide furniture and furnishings in the sum of twenty-seven hundred ($2,700) dollars to replace furniture destroyed by fire on April 18, 1906; and they shall cause their annual reports to the Governor of this State to be printed by the lowest bidder and distributed, at a cost not to exceed two thousand ($2,000) dollars per annum, and which printing shall be exempt from the provisions of Article XII, Chapter III, Title I, Part III of the Political Code. All expenditures authorized in this section shall be audited and paid in the same manner as the salary of the commissioners.

Also: On page 10, Section 553, line 6, strike out the words after the word "dollars," and insert the following: "for each place of business. The cost of such licenses shall be pro rated for such proportional number of months as the license is to run, and all of such licenses shall be due and payable on the first day of July in each year, and shall expire on the thirtieth day of the following June."

Also: On page 11, Section 554, line 16, after the word "article," insert the following: "Except as provided in this statute, the provisions of Part II of the Code of Civil Procedure are applicable to and constitute the rules of practice in proceedings mentioned in this section."

Also: On page 11, Section 554, line 20, after the word "office," add a new section, to be known as 554*a*, as follows:

554*a*. Every person, company, or corporation, except savings and loan corporations, which is now transacting or which may hereafter transact the business of a bank, or banking corporation, must at all times have actually paid in a capital equal to at least 10 per cent of the total amount owing to the depositors, banks, and bankers, and to its creditors by such bank, or banking corporation; *provided*, that the minimum amount of such capital, to be actually paid in, shall in no instance be less than the sum of twenty-five thousand ($25,000) dollars; *and provided further*, that the maximum amount of such capital, so required to be actually paid in, shall, in no instance, be required to exceed the sum of one million ($1,000,000) dollars. The bank commissioners of the State of California shall not issue to any bank or banking corporation a license to transact business until this section shall be complied with, and said commissioners shall thereafter have full power to make such order, or orders, from time to time, as may be necessary to compel a full compliance with the provisions thereof, and may, in this behalf, revoke any and all licenses heretofore or hereafter granted. In construing the provisions of this section, net surplus shall be treated and considered as part of the paid-in capital.

The roll was called, and Senate amendments to Assembly Bill No. 589 were concurred in by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Case, Chandler, Cogswell, Coghlan, Cornish, Cullen, Cutten, Davis, Devlin, Estudillo, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Root, Sackett, Smith, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—None.

Assembly Bill No. 589 ordered to enrollment.

Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Mr. Baxter moved that the Assembly refuse to concur in Senate amendment to Assembly Bill No. 935.

The question being put, "Shall the Assembly refuse to concur in the following Senate amendment to Assembly Bill No. 935?"

SENATE AMENDMENT.

Amend by striking out of Section 1, lines 4 and 5, the word "Alameda"; also, after the words "San Francisco," in lines 4 and 5, strike out the words "and the County of Los Angeles," and insert in lieu thereof the following: "and the counties of Los Angeles and Alameda."

Motion carried.

Mr. Baxter moved that the Chief Clerk notify the Senate that the Assembly on this day respectfully refused to concur in Senate amendment to Assembly Bill No. 935—An Act entitled "An Act to amend Section 737 of the Political Code, relating to salaries of superior judges"—and requests that the Senate recede therefrom.

Motion carried, and such was the order.

Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 350?"

SENATE AMENDMENTS.

On page 1, insert immediately after the enacting clause, and before the words "a new section," the words "Section 1."

Also: On page 1, Section 1, lines 1 and 2, strike out the words "Section 1. A new section is hereby added to the Political Code, to be designated Section 2181*a*, to read as follows: whenever," and insert in lieu thereof the following: "Whenever."

The roll was called, and Senate amendments to Assembly Bill No. 350 were concurred in by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—47.

NOES—None.

Assembly Bill No. 350 ordered to enrollment.

TIME FOR RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., time for recess was extended forty minutes.

Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement, or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 438?"

SENATE AMENDMENT.

Amend title as follows: After the word "consent," strike out the words "in writing."

The roll was called, and Senate amendment to Assembly Bill No. 438 was concurred in by the following vote:

AYES—Messrs. Berry, Birdsall, Case, Chandler, Cogswell, Coghlan, Cornish, Cullen, Davis, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—44.

NOES—None.

Assembly Bill No. 438 ordered to enrollment.

Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 709?"

SENATE AMENDMENTS.

On page 1, amend the title by inserting after the words "cities," the following: "and to provide penalties for the violation thereof."

Also: On page 6, Section 7, amend by striking out all of said Section 7, and renumbering the following sections accordingly.

Also: On page 8, Section 18, strike out all of Section 18, and renumber the following sections accordingly.

Also: On page 11, Section 27, lines 15, 16, and 17, strike out all of these lines: 15, 16, and 17.

Also: On page 19, Section 53, lines 1 and 2, strike out the words "every tenement house hereafter constructed shall have a vent shaft," and insert in lieu thereof the following: "Every vent shaft hereafter constructed in a tenement house shall be."

Also: On page 24, Section 62, line 5, strike out the word "seven," and insert in lieu thereof the following: "eighth."

Also: On page 24, Section 64, line 4, strike out the word "removed," and insert in lieu thereof the following: "renewed."

Also: On page 25, Section 68, line 2, strike out the word "an," and insert in lieu thereof the following: "and."

Also: On page 28, Section 81, line 2, insert after the figures "79," "and 80."

Also: On page 29, Section 86, strike out all of said Section 86, and renumber the following sections accordingly.

Also: On page 30, Section 89, line 9, insert after the word "presumption," the word "may."

Also: On page 31, Section 91, line 5, strike out the word "motion," and insert in lieu thereof the following: "notice."

Also: On page 31, Section 93, line 4, strike out the word "constructed," and insert in lieu thereof the following: "construed."

Also: On page 31, Section 93, line 8, strike out the word "therein," and insert in lieu thereof the following: "thereto."

Also: On page 31, Section 95, line 1, strike out the word "an," and insert in lieu thereof the following: "and."

Also: On page 20, Section 55, line 4, strike out the word "ads," and insert in lieu thereof the following: "and."

The roll was called, and Senate amendments to Assembly Bill No. 709 were concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Case, Chandler, Cogswell, Cornish, Cullen, Davis, Devlin, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Spaulding, Thompson of Los Angeles, Transue, Walsh, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Assembly Bill No. 709 ordered to enrollment.

Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof."

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 522?"

SENATE AMENDMENTS.

On page 1, amend the title by adding at the end thereof, after the word "thereof," the words "approved February 28, 1905," and strike out the period and quotation marks after the word "thereof," at the end of the title, and insert in lieu thereof a comma.

Also: On page 1, strike out the words in italics upon the line immediately preceding line 1, in Section 1, as follows: "Drug clerks, hours of labor of."

Also: Amend by striking out on page 1, upon the line immediately preceding line 1, in Section 2, the words in italics as follows: "Employer not to permit longer hours."

Also: Amend by striking out on page 2, immediately preceding line 1, in Section 3 the word "penalty" in italics.

Also: Amend by inserting after the enacting clause the following:

SECTION 1. An Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof," approved February 28, 1905, is hereby amended by adding thereto a new section, to be known and numbered section five.

Also: Amend by renumbering the sections following thereafter: "Section 2," "Section 3," "Section 4," "Section 5," "Section 6."

The roll was called, and Senate amendments to Assembly Bill No. 522 were concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Case, Chandler, Cogswell, Coghlan, Cornish, Davis, Devlin, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Spaulding, Strobridge, Thompson of Los Angeles, Transue, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Assembly Bill No. 522 ordered to enrollment.

Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities having a population of more than fifteen thousand.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 150?"

SENATE AMENDMENTS.

On page 1, Section 1, line 2, strike out the words "and one-half," and insert in lieu thereof the following: "a."

Also: On page 1, Section 1, line 3, insert at the beginning of line 3 the following: "230*a*."

Also: On page 1, strike out the fraction "½," in line 2 of title, and insert in lieu thereof the following: "a."

The roll was called, and Senate amendments to Assembly Bill No. 150 were concurred in by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Case, Cogswell, Coghlan, Cornish, Cullen, Davis, Devlin, Finney, Forbes, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Stetson, Strohl, Thompson of Los Angeles, Transue, Weske, Wyatt, and Mr. Speaker—43.

NOES—None.

Assembly Bill No. 150 ordered to enrollment.

Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1024?"

SENATE AMENDMENT.

Amend the title by striking out the word "viticulture," on line 8, and inserting in lieu thereof "vine pathology and vine diseases."

The roll was called, and Senate amendment to Assembly Bill No. 1024 was concurred in by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Root, Sackett,

Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—47.
NOES—None.

Assembly Bill No. 1024 ordered to enrollment.

Assembly Bill No. 353—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 353?"

SENATE AMENDMENTS.

Strike out the word "for," in line 8, and the word "vagrancy," in line 9, Section 1, page 1 of the printed bill, and insert in lieu thereof the words "as a vagrant or for any other offense."

Also: Strike out the word "at." printed copy, as amended March 7, 1907, in line 2 of the title, and insert the following: "Section 2 of an."

Also: Strike out period after figure "5," last line of title, and insert a comma; also the following; "so as to provide for the cost of maintenance of certain persons committed for certain offenses."

The roll was called, and Senate amendments to Assembly Bill No. 353 were concurred in by the following vote:

AYES—Messrs. Berry, Birdsall, Case, Chandler, Cogswell, Coghlan, Cornish, Cullen, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Root, Spaulding, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, and Wilson—42.
NOES—None.

Assembly Bill No. 353 ordered to enrollment.

RESCINDED.

Mr. Walsh moved that the action of the Assembly on a previous day in reading Senate Bill No. 259—An Act appropriating two hundred and fifty thousand dollars ($250,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto—a second time, be rescinded.

Motion carried.

On motion of Mr. Walsh, Senate Bill No. 259 was taken up for consideration.

Bill read second time.

Mr. Walsh moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 259 considered.

Mr. Walsh moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 259, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

THIRD READING OF BILLS.

Senate Bill No. 940—An Act to authorize, empower, and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting, and recovering the claims of the State of California against the United States of America, to prescribe the terms and conditions of the employment, the rate of compensation therefor, and the manner of payment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 940 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Forbes, Hans, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 793—An Act to authorize the United States of America to sue the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 793 finally passed by the following vote:

AYES—Messrs. Berry, Birdsall, Bishop, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Forbes, Hammon, Hans, Held, Hewitt, John, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Root, Sackett, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At one o'clock and ten minutes P. M. the Assembly was declared at recess until two o'clock and thirty minutes P. M.

REASSEMBLED.

At two o'clock and thirty minutes P. M. the Assembly reconvened. Speaker R. L. Beardslee in the chair.

CONSIDERATION OF MEMBERS' URGENCY FILE.

Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records other than court records or public records of private writings when such public records have been lost, injured, destroyed by conflagration or other public calamity.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 557—An Act entitled "An Act to regulate the recordation of the subscriptions to the capital stock of the Water Users' Association."

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Transue moved a call of the House.

Motion carried.

Time, two o'clock and fifty-two minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Baxter, Beban, Berry, Bishop, Case, Coghlan, Cullen, Davis, Devlin, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wyatt, and Mr. Speaker—42.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and twelve minutes P. M. further proceedings under the call of the House were dispensed with, on motion of Mr. Held.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Bishop, Case, Chandler, Coghlan, Cullen, Davis, Devlin, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Percival, Pyle, Root, Sackett, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 270 considered.

Mr. Transue moved that the committee do now rise and report the same back, and recommend that it do not pass.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 270, and do now report the same back, and recommend that it do not pass.

BEARDSLEE, Chairman.

Bill ordered on file for third reading.

Senate Bill No. 80—An Act to provide for the erection of a horse barn, carriage house, and implement shed at the Southern California State Hospital, and to make appropriation for the same.

Bill read second time.

Senate Bill No. 530—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Bill read second time.

Senate Bill No. 499—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said routes up the Salmon River to Black Bear.

Bill read second time.

Mr. Transue moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 80, 530, and 499.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 80, 530, and 499 considered.

Mr. Transue moved that the committee do now rise and report the same back, and recommend that they do not pass.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 80, Senate Bill No. 530, and Senate Bill No. 499, and do now report the same back, and recommend that they do not pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 608—An Act making an appropriation for the furnishing of meals, lodging, transportation, medicines, and other necessaries of life to ex-convicts, for defraying the expenses of the State Board of Prison Directors, in securing employment for ex-convicts, and for defraying all necessary expenses in carrying out the purposes of this Act.

Bill read second time.

Senate Bill No. 609—An Act creating a contingent fund for the use of the State Prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified: For the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Bill read second time.

Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

Bill read second time.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 608, 609 and 727.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 608, 609 and 727 considered.

Mr. Leeds moved that the committee do now rise and report the same back, and recommend that they do not pass.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 608, Senate Bill No. 609, and Senate Bill No. 727, and do now report the same back, and recommend that they do not pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 148—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 943—An Act to empower the Board of Managers of the Southern California State Hospital to sell a right of way for an electric railroad.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of $10,000 therefor.

Bill read second time.

Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

Bill read second time.

Mr. Leeds moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 82 and 531.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bills Nos. 82 and 531 considered.

Mr. Leeds moved that the committee do now rise and report the same back, and recommend that Senate Bill No. 82 do not pass, and that Senate Bill No. 531 do pass.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 82 and Senate Bill No. 531, and do now report the same back, and recommend that Senate Bill No. 82 do not pass, and that Senate Bill No. 531 do pass.

BEARDSLEE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 909—An Act relating to high schools, and providing for their support by the State of California.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the figures "1907," on line 3, first page, printed bill, and inserting in lieu thereof the following: "1909."

Amendment adopted.

Bill read second time, and ordered to print and on file for third reading.

Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25*c*, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description and sex of animals slaughtered.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties; for locating the county seats; for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 859—An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 859 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Case, Chandler, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Wyatt—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 99 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Case, Chandler, Coghlan, Costar, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and as amended June 13, 1906, by amending Section 2 thereof, relating to a license tax upon corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 195 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Bishop, Case, Chandler, Costar, Cutten, Davis, Devlin, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Kohlman, Lemon, Lucas, Lynch, McClellan, McMullin, O'Brien, Percival, Pierce,

Root, Sackett, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—41.
NOES—Messrs. Birdsall, Coghlan, Finney, Forbes, Johnson of Sacramento, Jury, Leeds, Lynch, McGuire, and Otis—10.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 131—An Act to amend Section 1576*a* of the Political Code, relating to clerks of school boards in certain cases, and for payment of their salaries, herein providing for the adoption of a course of study, and the appointment of a superintendent of schools in certain cases, and for payment of his salary.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 131 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Case, Coghlan, Cornish, Costar, Cutten, Davis, Forbes, Hammon, Hans, Hartmann, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Root, Sackett, Stetson, Strobridge, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.
NOES—Messrs. Held, Jury, Percival, and Weske—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 518—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 518 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Birdsall, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Forbes, Hammon, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Stetson, Strohl, Strobridge, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.
NOES—Messrs. Chandler, Estudillo, Finney, Higgins, and Weske—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 633—An Act to add a new section to the Penal Code of the State of California, to be known as Section 810, authorizing and providing for the filing and substitution of a copy of the information or other pleading for the original in criminal actions when such original information or other pleading has heretofore been, or shall hereafter be, lost or destroyed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 633 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Stetson, Strohl, Strobridge, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.
NOES—Mr. Case—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 545—An Act to provide for the acquisition, equipment and use of a railway car for the purpose of distributing live fish and stocking the waters of this State with fish, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 545 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Case, Chandler, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Stetson, Strohl, Strobridge, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 127—An Act to amend Section 335 of the Code of Civil Procedure of California, relating to adverse possession of land or interest, and the payment of taxes thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 127 finally passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Case, Chandler, Cullen, Davis, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—43.

NOES—Messrs. Costar, Cutten, Higgins, and Lucas—4.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION—(OUT OF ORDER).

The following resolution was submitted (unanimous consent having been obtained for its reception):

By Mr. Leeds:

Resolved, That T. G. Walker, Assistant Chief Clerk, be and he is hereby authorized and directed to remain after the close of the thirty-seventh session of the Legislature for the purpose of assisting the Chief Clerk in correcting and approving the Assembly and Senate action on Assembly bills; in compiling, comparing, and having printed, in connection with the Secretary of the Senate, a final calendar of all legislative business of both the Senate and Assembly of the thirty-seventh session of the Legislature, such as is usually issued by the Legislature. For the purpose of carrying out this work, the sum of $250 is hereby allowed to the said T. G. Walker, and the State Controller is hereby directed to immediately draw his warrant in favor of said T. G. Walker for the said sum of $250 against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Bell, Birdsall, Bishop, Case, Chandler, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Root, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—Mr. McMullin—1.

Mr. Johnson of Sacramento moved that the Ways and Means Committee be instructed to report back the resolution now before it, relative

to the pay of assistants to the Chief Clerk after adjournment, on Monday morning, March 11, 1907, immediately after the reading of the Journal.

Senate Bill No. 440—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Coghlan moved a call of the House.

Motion carried.

Time, four o'clock and thirty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beban, Bell, Berry, Birdsall, Bishop, Case, Coghlan, Cullen, Davis, Devlin, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Root, Sackett, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and thirty-four minutes P. M. further proceedings under the call of the House were dispensed with, on motion of Mr. Coghlan.

The roll of absentees was called.

Whereupon the Speaker announced that the bill was finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Bishop, Coghlan, Cullen, Davis, Devlin, Estudillo, Finney, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Root, Sackett, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—41.

NOES—Messrs. Birdsall, Case, Chandler, Costar, Higgins, John, Lucas, McClellan, Otis, Stetson, Strobridge, Weske, and Wyatt—13.

Title read and approved.

Bill ordered transmitted to the Senate.

At four o'clock and forty-five minutes P. M., Speaker pro tem. Transue in the chair.

On motion, Speaker R. L. Beardslee was excused for the remaining portion of the day.

Senate Bill No. 875—An Act to amend Section 73 of the Code of Civil Procedure, relative to sessions of the superior court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 875 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Butler, Case, Chandler, Coghlan, Costar, Cullen, Davis, Devlin, Estudillo, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Lemon, Lynch, McClellan, McGuire, McKeon, McMullin, Otis, Percival, Root, Sackett, Stetson,

Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, and Wilson—48.
NOES—Messrs. Johnson of Sacramento, Leeds, Lucas, and Wyatt—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 459—An Act to amend Section 200 of an "Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to exemptions from jury duty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 459 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Case, Chandler, Coghlan Cullen, Davis, Devlin, Estudillo, Finney, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Root, Sackett, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888*a*, relating to the levy of taxes for the payment of school district bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 103 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Case, Coghlan, Cullen, Davis, Devlin, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Root, Sackett, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 801—An Act to provide for the improvement, protection and management of wharves, docks, piers and certain of the water front lands and premises of the City of Oakland and for the possession and control thereof, defining the limits thereof, creating a Board of State Harbor Commissioners therefor, providing for the manner and time of their and their successors' appointment, defining their powers, jurisdiction, duties and qualifications, fixing their terms, salaries and bonds, providing for the filling of vacancies in said board, for the appointment, salaries and removal of officers and employés thereof, for the collection, deposit and disbursement of the revenues and funds arising from the carrying into effect of this Act, creating the Oakland Harbor Improvement Fund, appropriating public moneys to carry this Act into effect, defining the duties of certain State officers with reference to said board, said lands and premises, and revenues and fund, declaring and defining a misdemeanor for, and providing for the punishment as a misdemeanor of any person upon conviction of, the violation of the lawful rules or regulations of said board, and giving jurisdiction to any police court of the City of Oakland in cases of such misdemeanor.

ACTION RESCINDED.

Mr. Walsh moved that the action of the Assembly on a previous day in reading Senate Bill No. 801 the second time, be rescinded.

Motion carried.

On motion of Mr. Walsh, Senate Bill No. 801 was taken up for consideration.

During second reading of bill, the following amendments were submitted by Mr. Walsh:

AMENDMENT No. 1.

On page 3, Section 2, line 29, by adding after the word "city," the words "the term prescription herein shall not be deemed to create any further right by prescription than such as may already exist or arise otherwise than by reason of this Act."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 10, by striking out the word "citizens," and inserting in lieu thereof the words "at the time of appointment and for at least one year next preceding said appointment, residents."

Amendment adopted.

AMENDMENT No. 3.

Strike out on page 4, Section 3, lines 1 and 2, the words "by and with the consent and advice of the Attorney-General."

Amendment adopted.

AMENDMENT No. 4.

Strike out on page 4, Section 3, lines 19 and 20, the words "by and with the consent and advice of the Attorney-General."

Amendment adopted.

AMENDMENT No. 5.

On page 5, Section 4, line 4, by adding after the word "corporation" the words "now or hereafter."

Amendment adopted.

AMENDMENT No. 6.

Also, same page and section, line 12, by adding after the word "corporation" the words "now or hereafter."

Amendment adopted.

AMENDMENT No. 7.

Also, same page and section, line 16, by adding after the word "corporation" the words "now or hereafter."

Amendment adopted.

AMENDMENT No. 8.

Also, same page and section, line 17, by adding after the word "or," the words "now or hereafter."

Amendment adopted.

AMENDMENT No. 9.

Also, same page and section, line 29, by adding after the word "any" the words "company or."

Amendment adopted.

AMENDMENT No. 10.

On pages 5 and 6, Section 4, lines 31 to 39, by striking out the words "which enjoys under this Act the extent of water frontage, hereinbefore mentioned, under any lease made by said board, or to any corporation in which a majority of the stock is owned or otherwise controlled by another corporation enjoying the said extent of water frontage hereunder, or in which a majority of the stock is owned or otherwise controlled by persons owning or controlling another corporation enjoying

under the provisions of this Act such water frontage to the extent hereinbefore mentioned," and inserting in lieu thereof, the following: "which enjoys under this Act a lease of water frontage made by said board, or to any corporation in which a majority of the stock is owned or otherwise controlled by another company or corporation likewise enjoying a lease of water frontage hereunder, or in which a majority of the stock is owned or otherwise controlled by persons owning or controlling another company or corporation likewise enjoying under the provisions of this Act a lease of water frontage."

Amendment adopted.

AMENDMENT No. 11.

On page 6, Section 6, in line 5, by adding after the word "by" the words "the applicant or."

Amendment adopted.

AMENDMENT No. 12.

On page 6, Section 4, line 49, after the period after the word "interest," by adding the words "The lessee shall make such charges only for dockage, wharfage, tolls and like charges as may be specified or approved by the board hereby created."

Amendment adopted.

AMENDMENT No. 13.

On page 6, Section 4, by adding two paragraphs at the end of said section, reading as follows:

"The acceptance of a lease under this Act by the lessee shall be a recognition by such lessee and the successors in interest of such lessee of the ownership of the State of California of the lands leased except as herein otherwise provided.

"Except in so far as shall be necessary to carry the provisions of this Act into effect the existing rights of the City of Oakland shall not be affected thereby."

Amendment adopted.

AMENDMENT No. 14.

On page 7, Section 6, line 16, by adding after the word "any" the words "company or."

Amendment adopted.

AMENDMENT No. 15.

On page 7, Section 6, line 20, by inserting after the word "such" the words "company or."

Amendment adopted.

AMENDMENT No. 16.

On page 7, Section 6, line 14, by adding after the word "leased" the words "and of the nature, extent and estimated cost of the proposed improvements."

Amendment adopted.

AMENDMENT No. 17.

On page 7, Section 6, line 23, by striking out the word "other," and inserting in lieu thereof the word "another."

Amendment adopted.

AMENDMENT No. 18.

By adding after the word "railroad," on page 7, Section 6, line 23, the words "company or."

Amendment adopted.

AMENDMENT No. 19.

On page 7, Section 6, line 19, by inserting after the word "enjoy" the word "any."

Amendment adopted.

AMENDMENT No. 20.

Also, same page and section, in line 20, by inserting after the word "control" the word "any."

Amendment adopted.

AMENDMENT No. 21.

On page 7, Section 6, line 24, by striking out the word "corporations," and inserting in lieu thereof "corporation."

Amendment adopted.

AMENDMENT No. 22.

On page 7, Section 6, line 25, by striking out the word "are," and inserting in lieu thereof the word "is."

Amendment adopted.

AMENDMENT No. 23.

On page 7, Section 6, line 28, by striking out the words "to the maximum extent above mentioned," and inserting in lieu thereof the words "by lease as herein provided."

Amendment adopted.

AMENDMENT No. 24.

On page 8, Section 8, line 9, by inserting after the word "any" the words "company or."

Amendment adopted.

AMENDMENT No. 25.

Also, same page and section, in line 9, by adding after the word "corporation" the words "now or hereafter."

Amendment adopted.

AMENDMENT No. 26.

Also, same page and section, in line 10, by adding after the word "or" the words "now or hereafter."

Amendment adopted.

AMENDMENT No. 27.

On page 7, Section 6, line 18, by striking out the word "other," and inserting in lieu thereof the words "company or."

Amendment adopted.

AMENDMENT No. 28.

On page 8, Section 9, line 2, by adding after the word "any" the words "company or."

Amendment adopted.

AMENDMENT No. 29.

Also, same page and section, in line 4, by adding after the word "such" the words "company or."

Amendment adopted.

AMENDMENT No. 30.

On page 9, Section 9, line 27, by striking out the word "hereinbefore," and inserting in lieu thereof the word "herein."

Amendment adopted.

AMENDMENT No. 31.

On page 9, Section 11, line 3, by striking out the words "for the purposes therein prescribed," and inserting in lieu thereof the words "as set forth in its application or in a manner equally comprehensive and advantageous to commerce."

Amendment adopted.

AMENDMENT No. 32.

On page 10, Section 17, line 2, by striking out the word "two," and inserting in lieu thereof the word "one."

Amendment adopted.

AMENDMENT No. 33.

On page 10, Section 11, in line 3, by striking out the figure "2," and inserting in lieu thereof the figure "1."

Amendment adopted.

Bill read second time.

Mr. Walsh moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Senate Bill No. 801 considered.

Mr. Walsh moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 801, and do now report the same back, and recommend that it do pass as amended.

TRANSUE, Chairman.

Bill ordered to print, and on file for third reading.

Senate Bill No. 942—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1906, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 942 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Case, Cullen, Cutten, Davis, Devlin, Eshleman, Forbes, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, McGuire, McKeon, Otis, Root, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Wyatt—41.

NOES—Messrs. Finney, McMullin, and Weske—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 614—An Act to amend Section 825 of the Penal Code of the State of California, relating to the rights of attorneys to visit prisoners, and providing a penalty for the refusal of officers to allow the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 614 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Case, Chandler, Coghlan, Cullen, Davis, Devlin, Estudillo, Forbes, Hans, Hartmann, Held, Hewitt, Higgins,

John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McGuire, McKeon, McMullin, Root, Sackett, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—44.

NOES—Mr. Finney—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 750—A new section is hereby added to the Political Code, to be known as Section 625*a*, relating to information to be furnished each county clerk by the Insurance Commissioner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 750 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Case, Chandler, Cullen, Davis, Devlin, Estudillo, Finney, Forbes, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lynch, McGuire, McKeon, McMullin, Otis, Percival, Root, Sackett, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Wyatt—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Davis gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 801 was read the second time and amended.

POINT OF ORDER.

Mr. Leeds arose and made the following point of order:

That the action on the bill was not definite, therefore could not be reconsidered.

The Speaker declared the point of order well taken.

On motion of Mr. Coghlan, Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said Commissioner, his deputy, his agents, and assistants and making an appropriation therefor—was recalled from the Committee on Capital and Labor, and placed on file for consideration.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 135—An Act to amend Section 3817 of the Political Code of California, relative to the redemption of real estate sold for taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Senate Bill No. 135 ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 615—An Act to provide for the reproduction of books, documents, maps, or records of any city, county, or city and county board or officer, where the same have been destroyed by conflagration or other public calamity—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

THOMPSON of Los Angeles, Chairman.

Senate Bill No. 615 ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 945—An Act making an appropriation of $300 to pay the claim of George H. P. Shaw against the State of California.

Also: Senate Bill No. 946—An Act making an appropriation of $300 to pay the claim of George H. P. Shaw against the State of California.

Have had the same under consideration, and respectfully report the same back, without recommendation.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Bill No. 108—An Act to provide for the purchasing of a site and building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes in the City of Los Angeles, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back, without recommendation.

WHITMORE, Chairman.

Senate Bill No. 108 referred to Committee on Ways and Means.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

HELD, Chairman.

Senate Bill No. 810 ordered on file for second reading.

SECOND READING OF SENATE BILLS.

Senate Bill No. 133—An Act to amend an Act entitled "An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, which sections were added to said Code by an Act approved March 23, 1901," as amended by an Act approved March 9, 1903.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 945—An Act making an appropriation of $300 to pay the claim of George H. P. Shaw against the State of California.

Bill read second time.

Senate Bill No. 946—An Act making an appropriation of $300 to pay the claim of George H. P. Shaw against the State of California.

Bill read second time.

Mr. Estudillo moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 945 and 946.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Transue in the chair.

Senate Bills Nos. 945 and 946 considered.

Mr. Estudillo moved that the committee do now rise and report the same back without recommendation.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Transue in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 945 and Senate Bill No. 946, and do now report the same back, without recommendation.

TRANSUE, Chairman.

Bills ordered on file for third reading.

Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 928—An Act to add an article to Chapter II, of Title VI, of Part III, of the Political Code, to be known as Article X, relating to the Department of Highways, defining its duties and powers, and providing for the appointment and compensation of the officers and employés thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 897—An Act to add a new chapter to Title VII, of Part III, of the Political Code, to be known as Chapter XIV*a*, relating to a fireman's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities and towns of the State.

Mr. Wyatt moved that Senate Bills Nos. 928 and 897 be re-referred to Committee on Revision and Reform of Laws, and stricken from the file.

Motion carried.

On motion of Mr. Johnson of Sacramento, the Assembly granted the Senate permission to introduce a bill in accordance with resolution and request of Senate.

ADJOURNMENT.

At five o'clock and thirty-five minutes P. M., on motion of Mr. Johnson of Sacramento, the Speaker pro tem. declared the Assembly adjourned until ten o'clock A. M. of Monday, March 11, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Monday, March 11, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cornish, Costar, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—65.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leaves of absence for the day: Messrs. Eshleman and Smyth.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Case, the further reading was dispensed with.

MESSAGE FROM THE GOVERNOR.

On motion of Mr. Stanton, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 11, 1907.

To the Assembly of the State of California:

I herewith transmit to you for your most earnest consideration the following telegram, just received from the President of the United States, which is as follows:

WHITE HOUSE, WASHINGTON, D. C., March 10, 1907.

Hon. James N. Gillett, Governor of California, Sacramento, Cal.

Action of Legislature reported in this morning's papers most unfortunate in effect upon my efforts to secure exclusion of Japanese laborers by friendly agreement, and if continued will probably render recent legislation of Congress for that purpose ineffective. Please secure suspension of further action until receipt of letter from me.

THEODORE ROOSEVELT.

It seems from the foregoing message that it would be very important that no action be taken at this time which will prevent our Government from entering into friendly relations with the Japanese Government, tending to the exclusion of laborers from that country.

I hope that the Assembly will give this matter very careful consideration, that no mistake at this time be made.

J. N. GILLETT,
Governor of the State of California.

Mr. Johnson of Sacramento moved that no action be taken relative to Japanese legislation during the remaining sessions of the Assembly.

Motion duly seconded, and carried.

Mr. Stanton moved that the notice of the action of the Assembly be immediately transmitted to the Governor.

Motion carried, and such was the order.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 708—An Act to amend Section 2172 of the Political Code, relating to the disposition of insane persons upon commitment, and repealing all Acts or parts of Acts inconsistent therewith.

Also: Assembly Bill No. 806—An Act to prescribe the duties of certain attendants at State hospitals for the insane, and repealing Acts in conflict herewith.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Assembly Bill No. 20—An Act to amend section two thousand one hundred and fifty-four (2154) of the Political Code, relating to salaries and wages of attendants and assistant attendants in the several State hospitals.

Also: Assembly Bill No. 768—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward for the treatment of acute cases by hydrotherapy and electricity.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

HELD, Chairman.

The above reported bills ordered on file for second reading.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 790—An Act to add a new section to the Penal Code, to be numbered Section 628*a*, to prevent the catching of surf fish, yellow fin, or spot-fin croaker, and providing penalties therefor.

Also: Assembly Bill No. 884—An Act authorizing the Governor to appoint a commission to investigate the fish and fishing industry and wild game of the State relative to propagation, preservation, and better protection thereof, and making an appropriation therefor.

Also: Senate Bill No. 811—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of $10,000 therefor.

Also: Assembly Bill No. 829—An Act to amend Section 628*a* of the Penal Code, relating to striped bass.

Also: Assembly Bill No. 28—An Act to amend Section 634 of the Penal Code of the State of California, relating to the taking or catching, buying or selling, or offering for sale or having in possession fresh salmon at certain times of the year; providing for and fixing a close season; and making it a misdemeanor to violate the provisions thereof.

Also: Assembly Bill No. 325—An Act to amend Section 628*a* of the Penal Code, relating to striped bass.

Also: Assembly Bill No. 326—An Act to amend Sections 626*a*, 626*d*, 626*f*, and 626*k* of the Penal Code, relating to the taking or killing of game birds and animals.

Also: Assembly Bill No. 328—An Act to amend Section 628*b* of the Penal Code, relating to the taking or killing of black bass.

Also: Assembly Bill No. 332—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Also: Assembly Bill No. 385—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632*b*, all relating to the protection and preservation of fish.

Also: Assembly Bill No. 442—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Also: Assembly Bill No 503—An Act to provide for closed and open seasons for ducks.

Also: Senate Bill No. 716—An Act to add a new section to the Penal Code, to be numbered Section 628*e*, to prevent the catching of surf fish, yellow fin or spot-fin croaker, and providing penalties therefor.

Have had the same under consideration, and respectfully report the same back, without recommendation.

CORNISH, Chairman.

The above reported bills ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 928—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to keeping, residing in, and letting disorderly houses and inns, houses of public resort, rooms, apartments, and tenements, and houses of prostitution.

Assembly Bill No. 808—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.

Assembly Bill No. 311—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No. 809—An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof.

Assembly Bill No. 759—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.

Assembly Bill No. 782—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.

Assembly Bill No. 816—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.

Assembly Bill No. 817—An Act to amend Section 3198 of the Political Code, relating to the recording of trademarks.

Assembly Bill No. 818—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.

Assembly Bill No. 274—An Act to amend Section 1591 of the Code of Civil Procedure, to repeal Section 1640 thereof, and to add a new section thereto to be numbered 1592, both relating to the management of the estates of deceased persons.

Assembly Bill No. 202—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, all relating to claims against the estates of decedents.

Assembly Bill No. 384—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.

Assembly Bill No. 605—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.

Assembly Bill No. 606—An Act to repeal Article XIII, of Chapter III, of Title I, of Part III of the Political Code, relative to State Geologist.

Assembly Bill No. 609—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.

Assembly Bill No. 195—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of the decedents.

Assembly Bill No. 189—An Act to amend Sections 1166 and 1167 of the Code of Civil Precedure, and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.

Assembly Bill No. 194—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Assembly Bill No. 198—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Assembly Bill No. 199—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.

Assembly Bill No. 200—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1471, relating to the setting apart of homesteads and of other property exempt from execution belonging to estates of decedents.

Assembly Bill No. 197—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in banks.

Assembly Bill No. 187—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.

Assembly Bill No. 276—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Assembly Bill No. 277—An Act to amend Sections 1622 and 1636, of the Code of Civil Procedure, and to repeal Sections 1623, 1624, and 1625, thereof, all relating to accounts of executors and administrators, and the settlement of such accounts.

Assembly Bill No. 279—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and to repeal Section 1663, of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Assembly Bill No. 288—An Act to amend Section 2612 of the Code of Civil Procedure, relating to affidavits.

Assembly Bill No. 291—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Assembly Bill No. 427—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.

Assembly Bill No. 273—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.

Assembly Bill No. 278—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Assembly Bill No. 280—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Assembly Bill No. 282—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.

Assembly Bill No. 607—An Act to add two new sections to the Political Code to be known as Sections 444 and 461 thereof, both relating to the General Fund.

Assembly Bill No. 608—An Act to add a new section to the Political Code to be known as Section 453*a* thereof, relating to donations to the State.

Assembly Bill No. 611—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.

Assembly Bill No. 613—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.

Assembly Bill No. 781—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Assembly Bill No. 883—An Act to amend Sections 405 and 408 of the Civil Code, relating to foreign corporations.

Assembly Bill No. 426—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.

Assembly Bill No. 618—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others, upon real property.

Assembly Bill No. 669—An Act to repeal Title I of Part II of the Political Code, and to substitute therefor a new title, to be known as Title I of Part II of said Code, relating to the chief political divisions of the State.

Assembly Bill No. 287—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2033 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.

Assembly Bill No. 705—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.

Assembly Bill No. 706—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.

Assembly Bill No. 757—An Act to amend Section 323 of the Civil Code, relating to the contents or certificates of stock or corporations for profit.

Assembly Bill No. 604—An Act to repeal Section 11 of the Political Code, relating to holidays.

Assembly Bill No. 474—An Act to amend Sections 2787 and 2789 of the Political Code, and to add a new section thereto, to be known as Section 2802, relating to the construction of toll roads.

Assembly Bill No. 190—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Assembly Bill No. 184—An Act to repeal Title VIII of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.

Assembly Bill No. 196—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Assembly Bill No. 275—An Act to amend Sections 1568, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Assembly Bill No. 283—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Assembly Bill No. 284—An Act to repeal Title XIII of Part III of the Code of Civil Procedure and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.

Assembly Bill No. 289—An Act to amend Sections 2043 and 2044 of the Code of Civil Procedure, both relating to the examination of witnesses.

Assembly Bill No. 290—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Assembly Bill No. 610—An Act to repeal Section 367 of the Political Code, relating to State prisons.

Assembly Bill No. 612—An Act to repeal Section 349 of the Political Code, relating to State Printer.

Assembly Bill No. 668—An Act to amend Section 2349 of the Political Code and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Assembly Bill No. 178—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.

Assembly Bill No. 180—An Act to amend Section 1371 of the Code of Civil Procedure, relating to letters of administration.

Assembly Bill No. 182—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Assembly Bill No. 183—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.

Assembly Bill No. 186—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Assembly Bill No. 188—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.

Assembly Bill No. 191—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Assembly Bill No. 192—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Assembly Bill No. 193—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.

Assembly Bill No. 601—An Act to amend Section 1050 of the Code of Civil Procedure.

Assembly Bill No. 842—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.

Assembly Bill No. 819—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.

Assembly Bill No. 181—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.

Assembly Bill No. 272—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.

Assembly Bill No. 831—An Act fixing the price, terms and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.

Assembly Bill No. 159—An Act to change, establish and permanently locate the boundary lines of the County of Kings and a portion of the south boundary line of the County of Fresno, and to provide for the submission of such change, establishment and location of such boundary lines, to the qualified electors of the territory to be affected by the change.

Assembly Bill No. 552—An Act providing for the disposition of actions and proceedings in which bills of exceptions and statements on motion for a new trial have been lost or destroyed by conflagration or other public calamity.

And were presented to the Governor March 10, 1907, at nine o'clock P. M.

HANS, Chairman.

RE-REFERENCE OF BILL.

On motion of Mr. Johnson of Sacramento, Senate Bill No. 287—An Act to amend Sections 339 and 340 of the Code of Civil Procedure, relating to the time of commencing actions—was re-referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON MINES AND MINING.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Mines and Mining, to whom was referred Senate Joint Resolution No. 12—Relative to the creation by the Congress of the United States of a department of mines, with its head a member of the President's Cabinet—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

ROOT, Chairman.

On motion of Mr. Root, Senate Joint Resolution No. 12 was taken up for consideration.

SENATE JOINT RESOLUTION No. 12.

WHEREAS, The mining industry is annually adding nearly two billions of dollars to the wealth of the United States, and is furnishing employment to more than half a million men directly engaged in the mining industry, as well as furnishing the material absolutely necessary to the employment of a still larger additional number of men, and

WHEREAS, The loss of life (being 3.53 per 1,000 in coal mining operations in the United States as against 1.35 per 1,000 in England) through a lack of proper precautions in mining operations, over which but little, if any, supervision is exercised, is a disgrace to the Government, from which the man is supposed to have greater consideration than the dollar; and

WHEREAS, The product of the mine, when exhausted, cannot be replaced; and

WHEREAS, The enormous waste of metal resources, through the application of unscientific methods of mining and treatment, and the enormously extravagant waste of fuel, through both carelessness and unscientific methods, is a menace to our future industrial growth; and

WHEREAS, The United States is the only English-speaking nation in which this important industry receives relatively such small consideration.

Therefore, be it resolved by the Senate and Assembly of the State of California, concurring jointly, That we urge upon the Congress of the United States the importance of the creation of a department of mines, with its head a member of the President's Cabinet, through which human life may receive protection, and the mineral resources may be conserved, and production increased through governmental control and the application of scientific methods; and

Be it further resolved, That a copy of these resolutions be forwarded to the Senate and the House of Representatives of the United States, and to each of our representatives in the United States Congress, and that the Governor of this State be instructed to communicate with the President of the United States, requesting his coöperation in bringing about the creation of a department of mining, through which the mining industry may receive that governmental recognition and assistance to which it is entitled as one of the two great productive industries of this country.

Joint resolution read.

The roll was called, and Senate Joint Resolution No. 12 adopted by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cornish, Costar, Davis, Devlin, Drew, Fratessa, Hammon, Hans, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—None.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 262—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.

Also: Senate Bill No. 252—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.

Have had the same under consideration, and respectfully report the same back without recommendation.

WHITMORE, Chairman.

The above reported bills ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 88—An Act to provide one additional Judge of the Superior Court of the County of Los Angeles, State of California, for the manner of his appointment, and for his compensation.

Also: Assembly Bill No. 165—An Act to amend Sections 1510, 1511*a*, 1511*b*, 1512, 1514, 1514*a*, 1515, 1517, and 1518 of the Penal Code, relating to coroners' inquests and duties of coroners, and to repeal Section 1511 of said Penal Code.

Also: Assembly Bill No. 346—An Act to amend Section 3648 of the Political Code, relating to the duties of supervisors.

Also: Assembly Bill No. 418—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Also: Assembly Bill No. 424—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903.

Also: Assembly Bill No. 532—An Act creating the office of county mining recorder, prescribing his duties, and providing for his compensation.

Also: Assembly Bill No. 670—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 10, 1897, and all Acts amendatory thereof, relating to the salaries of the county and township officers in counties of the third class, and repealing all conflicting Acts.

Also: Assembly Bill No. 686—An Act to amend Subdivision 15 of Section 162 of an Act entitled "An Act to amend Section 162 of an Act entitled 'An Act to establish a uniform system of county and township government,'" approved April 1, 1897, and amended March 19, 1903, approved March 20, 1905.

Also: Assembly Bill No. 760—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.

Also: Assembly Bill No. 761—An Act to amend Section 160 by adding a new subdivision thereto, to be known and designated as 17, of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.

Also: Assembly Bill No. 780—An Act to amend Section 9 of an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, their assistants, deputies, clerks, and employés," approved March 18, 1903.

Also: Assembly Bill No. 795—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers and for the adjustment and fulfillment of the right and obligations arising between such new counties and other counties.

Also: Assembly Bill No. 874—An Act to amend Section 162 of "An Act to establish a uniform system of county and township government," approved April 1, 1897, amended March 19, 1903, and amended March 20, 1905.

Also: Assembly Bill No. 908—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 926—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.

Also: Assembly Bill No. 930—An Act providing for a license tax on automobiles and other vehicles operated by other than muscular force, and directing the manner of collecting the same.

Also: Assembly Bill No. 977—An Act to establish a uniform system of township governments; defining the powers and jurisdiction of the same, and the authority, powers, and duties of the officers thereof; and providing for the election and appointment of the officers thereof; and also providing for submitting this Act to a vote of the people of the several counties of the State.

Also: Assembly Bill No. 1031—An Act to amend Section 206 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905.

Also: Senate Bill No. 336—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 182 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-fifth class, approved March 20, 1905.

Also: Senate Bill No. 751—An Act to amend Section 4178 of the Political Code, relating to the duties of the county clerks.

Have had the same under consideration, and respectfully report the same back without recommendation.

THOMPSON of Los Angeles, Chairman.

The above reported bills ordered on file for second reading.

OF RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations beg to report the following temporary rule, and recommend its adoption:

Resolved, That Senate Bill No. 947, Senate Bill No. 879, Senate Bill No. 150, Senate Bill No. 948, and Senate Bill No. 615 each presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that each of the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that each of said bills be read the first, second, and third times, and placed upon their passage, and that said bills be made a special order for 11:30 A. M. to-day.

LEEDS, Chairman.

Report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Devlin, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: The Ways and Means Committee, having had under consideration the matter of the employment of attachés who will conclude the work of the Assembly of the thirty-seventh session of the Legislature, respectfully recommend the adoption of the following substitute resolution in lieu of the resolution offered by this committee on the ninth day of March, 1907:

Resolved, That the following named persons be and they are hereby employed to conclude the work of the Assembly of the thirty-seventh session of the Legislature at the rate of compensation set opposite their respective names: C. W. Haub, Bookkeeper to the Sergeant-at-Arms, fifty dollars; H. A. Harper, Assistant Minute Clerk, fifty dollars; R. L. Dempsey, Journal Clerk, fifty dollars; Wm. A. Price, Engrossing and Enrolling Clerk, fifty dollars; W. C. Guirey, File Clerk, fifty dollars; C. Packscher, Clerk of Ways and Means Committee, fifty dollars; J. H. Anderson, Bookkeeper of Ways and Means Committee, fifty dollars; Mrs. Agnes Purnell, Stenographer to Ways and Means Committee, fifty dollars; F. G. Hildebrand, Sergeant-at-Arms to Ways and Means Committee, twenty-five dollars; Z. F. Wharton, Secretary of Judiciary Committee, fifty dollars; Mrs. E. E. Curtis, Stenographer of the Judiciary Committee, fifty dollars; Dona R. Hall, Assistant Stenographer to the Judiciary Committee, fifty dollars; W. N. Speegle, Assistant Engrossing and Enrolling Clerk, fifty dollars; R. J. Kenefick, Assistant Engrossing and Enrolling Clerk, fifty dollars; W. H. Wright, Assistant Clerk, fifty dollars; H. M. Harford, Assistant Clerk, fifty dollars; Robert McKnight, Assistant Minute Clerk, fifty dollars; Wm. Evans, Assistant Stenographer to Ways and Means Committee, fifteen dollars; Geo. W. Edwards, Assistant File Clerk, fifty dollars.

The said sums aforesaid are hereby made payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant for the same in favor of the above named persons, and the Treasurer is directed to pay the same.

Resolved, That the sum of two hundred dollars is hereby appropriated from the Contingent Fund of the Assembly, being in payment for telegraphing, telephoning, expressage, postage, hack hire (call of the House), etc. The State Controller is hereby directed to draw his warrant in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the above amount, two hundred dollars, and the State Treasurer is hereby directed to pay the same.

Resolved, That the Sergeant-at-Arms be, and he is hereby directed to stay, and retain one Assistant Sergeant-at-Arms, four Porters and four Watchmen for one week after adjournment of the Assembly of the thirty-seventh session of the Legislature, for the purpose of storing all the furniture belonging to the Assembly Chamber and used by the different committees; also to clear the Assembly Chamber and committee rooms; and the State Controller is hereby directed and authorized to draw his warrant in favor of J. T. Stafford for five hundred and fifty dollars, and the Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly.

ESTUDILLO, Chairman.

Report and resolution ordered printed in the Journal.

SPECIAL ORDER SET.

On motion of Mr. Transue, the consideration of the above report and resolution was made a special order for Tuesday, March 12, 1907, immediately after the reading of the Journal.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day passed the following as cases of urgency:

Senate Bill No. 949—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years.

Also: Senate Bill No. 948—An Act to repeal Article IX, of Chapter II, of Title VI, of Part III of the Political Code, and every section thereof, and to add to said Code a new article to said chapter, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive, relating to permanent road divisions.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as cases of urgency:

Assembly Bill No. 201—An Act to repeal Article II, of Chapter V, of Title XI, of Part III, of the Code of Civil Procedure and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Also: Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Also: Assembly Bill No. 1000—An Act to repeal Article V, of Title VI, of Part III, of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Also: Assembly Bill No. 1001—An Act to repeal Article VI, of Title VI, of Part III of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Also: Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1963, and 1982 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1947*a*, all relating to evidence.

Also: Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

Also: Assembly Bill No. 1002—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter Ic, relating to the Woman's Relief Corps Home of California.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 150—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Also: Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.

Also: Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Also: Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Also: Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Also: Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, to be numbered 9, relating to furnishing the series of school text-books published by this State, to institutions in this State conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.

Also: Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the Board of Trustees of the City of Sacramento," approved March 22, 1886.

Also: Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Also: Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.

Also: Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon in justices' courts.

Also: Assembly Bill No 496—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, with reference to the appointment of guardians of insane and other incompetent persons.

LEWIS A. HILBORN, Secretary of Senate.
By O. A. FOSTER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 793—An Act to authorize the United States of America to sue the State of California.

Also: Senate Bill No. 99—An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded, and prohibiting the selling or offering for sale of land by reference to said maps unless the same are recorded.

Also: Senate Bill No. 103—An Act to add a new section to the Political Code, to be numbered Section 1888*a*, relating to the levy of taxes for the payment of school district bonds.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day receded from Senate amendments to Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 17—Relative to granting aid to certain counties—and respectfully requests the Assembly to waive objections to its consideration, on the ground that the Senate considered the same after five o'clock P. M., Saturday, March 9, 1907.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, the following:

Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

Also: Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relating to the adoption of minor children.

LEWIS A. HILBORN, Secretary of Senate.
By O. A. FOSTER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

LEWIS A. HILBORN, Secretary of Senate.
By O. A. FOSTER, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, the following:

Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Also: Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

And respectfully request your honorable body to concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Bill No. 949 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 948 read first time, and ordered on file without reference.

Senate Bill No. 150 read first time, and referred to Committee on Judiciary.

Assembly Bills Nos. 201, 281, 1000, 1001, 285, 207, 1002, 914, 149, 921, 904, 650, 807, 913, 269, 499, 694, 496, and 935 ordered to enrollment.

Senate Constitutional Amendment No. 17 referred to Committee on Constitutional Amendments.

Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1007?"

SENATE AMENDMENTS.

On page 1, Section 1, line 3, strike out the word "Section."

Also: On page 1, line 1, insert before the words "Section 1943 of," the words "Section 1."

Also: On page 1, Section 1, lines 3 and 4, strike out the words "Relative to the term of hiring when no limit fixed."

The roll was called, and Senate amendments to Assembly Bill No. 1007 were concurred in by the following vote:

AYES—Messrs. Barry, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Case, Chandler, Cogswell, Cornish, Costar, Davis, Drew, Estudillo, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Assembly Bill No. 1007 ordered to enrollment.

Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 250?"

SENATE AMENDMENT.

On page 1, Section 1, lines 13 to 31, strike out the words beginning with the period and word "any" on line 13 down to and including the word "more" on line 31, and insert in lieu thereof the following: "; *provided, however*, that any such child, being a half orphan, and kept and maintained in any orphan asylum in this State for more than two years, may be adopted, with the consent of the manager of such orphan's home without the consent of the parents, unless such parent has paid toward the expenses of maintenance of such half orphan at least a reasonable sum during the said time, if able to do so. Any child deserted by both parents or left in the care and custody of another by its parent or parents, without any agreement or provisions for its support, for the period of one year, is deemed to be an abandoned child within the meaning of this section, and where the parent is a non-resident of this State, such child may be adopted with the consent of the managers of such home whenever it has been left in such home for more than one year; or any abandoned child within the meaning of this section if left in the care and custody of another person for one year or more, may, with the consent of the district attorney of the county wherein the person applying to adopt such child is a resident, be adopted by such person."

The roll was called, and Senate amendment to Assembly Bill No. 250 was concurred in by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Davis, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

Assembly Bill No. 250 ordered to enrollment.

Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 822?"

SENATE AMENDMENTS.

Amend by striking out of Section 1, line 4, the comma (,) after the word "controlled," and inserting (,) after the word "owned."

Also: By striking out all of Section 6, and inserting in lieu thereof the following:

SEC. 6. The provisions of this Act shall only apply in counties that adopt and come under the provisions of an Act entitled "An Act for the establishment of a uniform system of road government and administration in the counties of the State of California," approved March —, 1907.

The roll was called, and Senate amendments to Assembly Bill No. 822 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Cornish, Costar, Cullen, Davis, Drew, Fisher, Forbes, Hans, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McConnell, McKeon, McMullin, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Toomey, Transue, Weske, Wyatt, and Mr. Speaker—46.

NOES—None.

Assembly Bill No. 822 ordered to enrollment.

Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 907?"

SENATE AMENDMENTS.

Amend title in line 2 by inserting the following after the word "amend": "Section thirty-four of."

Also: Amend by striking out of line 5 of title the words "By amending Section 34 of said Act," and inserting the following: "Relating to the expenses of making the assessment for work authorized by this Act."

The roll was called, and Senate amendments to Assembly Bill No 907 were concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Held, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McKeon, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—54.

NOES—None.

Assembly Bill No. 907 ordered to enrollment.

Assembly Bill No. 989—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 989?"

Amend title by inserting after the word "amend," on line 2 of title, the following: "Sections one, two and three of."

The roll was called, and Senate amendment to Assembly Bill No. 989 was concurred in by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds,

Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—58.

NOES—None.

RESOLUTION.

The following resolution was submitted:

By Mr. Johnson of Sacramento:

WHEREAS, W. L. Williams, electrician of Red Men's Hall, elected by the Assembly to serve during the session of the Legislature, who received therefor a per diem of three dollars; and,

WHEREAS, Said per diem of three dollars is a sum insufficient and disproportionate in value for such services; now, be it

Resolved, That the said W. L. Williams receive the sum of two dollars per day additional for such services for the period commencing with the 7th day of January, 1907, up to March 12, 1907, both dates inclusive, said sum payable out of the Contingent Fund of the Assembly, and the State Controller is hereby directed to draw his warrant in favor of W. L. Williams for the sum of one hundred and twenty-eight dollars, and the State Treasurer is hereby directed to pay the same.

Resolution referred to Committee on Contingent Expenses and Accounts.

CONSIDERATION OF URGENCY-FILE BILLS.

In accordance with resolution previously adopted, the following bills were taken up for second and third reading:

Senate Bill No. 879—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for the indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Senate Bill No. 879—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 879 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

In accordance with resolution previously adopted, Senate Bills Nos. 948 and 615 were taken up as cases of urgency.

SECOND READING OF BILL.

Senate Bill No. 948—An Act to repeal Article IX of Chapter II of Title VI of Part III of the Political Code, and every section thereof,

and to add to said Code a new article to said chapter, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive, relating to permanent road divisions.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Senate Bill No. 948—An Act to repeal Article IX of Chapter II of Title VI of Part III of the Political Code, and every section thereof, and to add to said Code a new article to said chapter, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive, relating to permanent road divisions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 948 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Boyle Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Fratessa, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Smith, Spaulding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 615—An Act to provide for the reproduction of books, documents, maps, or records of any city, county, or city and county board or officer, where the same have been destroyed by conflagration or other public calamity.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Senate Bill No. 615—An Act to provide for the reproduction of books, documents, maps, or records of any city, county, or city and county board or officer, where the same have been destroyed by conflagration or other public calamity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 615 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cullen, Fisher, Hammon, Hans, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, O'Brien, Otis, Pierce, Sackett, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, and Mr. Speaker—42.

NOES—Messrs. Birdsall, Bush, Chandler, Cornish, Costar, Cutten, Davis, Devlin, Finney, Forbes, John, Lucas, McConnell, Percival, Pyle, Weske, and Wyatt—17.

Title read and approved.

Bill ordered transmitted to the Senate.

ANNOUNCEMENT BY THE SPEAKER.

The Speaker made the following announcement and ordered it printed in the Journal:

I hereby designate H. A. Harper as first assistant to the Minute Clerk of the Assembly, and hereby authorize and empower and instruct said H. A. Harper to perform, in the absence of the Minute Clerk, all duties required by law to be performed by the Minute Clerk of the Assembly.

ASSEMBLY CONCURRENT RESOLUTION No. 25.

Resolved by the Assembly, the Senate concurring, That leave of absence from the State for a period longer than sixty days is hereby granted to the following Assemblymen: Grove L. Johnson of Sacramento, J. P. Transue, P. A. Stanton, W. R. Leeds, P. V. Hammon, Henry Thompson, R. L. Beardslee, P. F. Cogswell, W. F. Lemon, P. W Forbes, H. W. R. Weske, Geo. L. Sackett, E. J. Lynch, Gideon S. Case, H. C. Lucas, E. S. Birdsall, Arthur E. Percival, Edward I. Butler, Fred E. Pierce, W. F. Ludington, Geo. W. Root, C. C. Spalding, Frank R. Devlin, Guy W. Smith, Frank Otis, N. W. Thompson, J. W. Finney, F. J. O'Brien, J. O. Davis, P. C. Campbell.

During the reading of Assembly Concurrent Resolution the following amendment was submitted by Mr. Leeds:

Amend by adding to the list of names, the following:
D. W. Barry, E. N. Baxter, D. J. Beban, S. H. Beckett, R. O. Bell, T. J. T. Berry, Clyde Bishop, P. J. Boyle, Frank W. Bush, W. F. Chandler, N. C. Coghlan, S. W. Collister, N. A. Cornish, W. J. Costar, J. A. Cullen, C. P. Cutten, A. M. Drew, J. M. Eshleman, Miguel Estudillo, C. M. Fisher, P. F. Fratessa, Geo. J. Hans, F. H. Hartmann, W. D. L. Held, A. H. Hewitt, J. T. Higgins, W. M. John, P. A. Johnson, R. H. Jury, P. J. Kelly, S. T. Kohlman, J. W. McClellan, J. I. McConnell, W. L. McGuire, John McKeon, H. W. McMullin, E. M. Pyle, Geo. W. Root, F. H. Smyth, Geo. F. Snyder, J. W. Stetson, Louis Strohl, E. K. Strobridge, D. J. Toomey, M. Vogel, P. M. Walsh, John Wessling, R. K. Whitmore, J. A. Wilson, and J. J. Wyatt.

Amendment adopted.

Assembly Concurrent Resolution, as amended, read.

The roll was called, and Assembly Concurrent Resolution No. 25, as amended, adopted by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis. Percival, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—59.
NOES—Mr. Bishop—1.

Assembly Concurrent Resolution No. 25 ordered transmitted to the Senate.

CONSIDERATION OF URGENCY-FILE BILL.

In accordance with resolution previously adopted, Senate Bill No. 947 was taken up for second and third reading.

Senate Bill No. 947—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to restrainment of mining debris, the construction of certain works necessary and incident to the restrainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Senate Bill No. 947—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to restrainment of mining debris, the construction of certain works necessary and incident to the restrainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

Bill read third time.

SPECIAL ORDER SET.

On motion of Mr. Root, the further consideration of Senate Bill No. 947 was made a special order for two o'clock P. M. of this day.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read (unanimous consent having been obtained for their reception):

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 150—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, by a majority vote.

JOHNSON of Sacramento, Chairman.

Senate Bill No. 150 ordered on file for second reading.

ON LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Levees and River Improvements, to whom was referred Assembly Bill No. 1029—An Act to amend the Political Code of the State of California by adding divers new sections thereto, and providing for the improvement of the rivers, lakes, and streams, or any part of them, of the State of California, and prescribing the manner of locating boating claims upon them, or any part of them—have had the same under consideration, and respectfully report the same back, without recommendation.

BUTLER, Chairman.

Assembly Bill No. 1029 ordered on file for second reading.

SECOND READING OF BILL.

Senate Bill No. 150—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected, with them, and to promote free competition in commerce and all classes of business in this State.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Senate Bill No. 150—An Act to define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms, and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 150 finally passed by the followng vote:

AYES—Messrs. Berry, Birdsall, Bishop, Bush, Butler, Case, Chandler, Cogswell, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Held, Hewitt, John, Johnson of Sacramento, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Weske, Whitmore, Wyatt, and Mr. Speaker—45.

NOES—Messrs. Barry, Baxter, Beban, Beckett, Boyle, Campbell, Coghlan, Cornish, Cullen, Hammon, Hans, Higgins, Johnson of San Diego, Kelly, Kohlman, Leeds, Root, Smith, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Wessling, and Wilson—25.

RECESS.

At twelve o'clock and thirty minutes P. M. the Assembly was declared at recess until one o'clock and thirty minutes P. M.

REASSEMBLED.

At one o'clock and thirty minutes P. M. the Assembly reconvened. Speaker R. L. Beardslee in the chair.

REQUESTS FOR LEAVES OF ABSENCE.

Mr. Devlin asked for a leave of absence for the afternoon.

Request denied by vote of the Assembly.

Mr. Drew asked for a leave of absence for the afternoon.

Request denied by vote of the Assembly.

Mr. McGuire asked for a leave of absence for the afternoon.

Request denied by vote of the Assembly.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived.

The special order heretofore set for consideration at this hour was taken up.

Senate Bill No. 947—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to restrainment of mining debris, the construction of certain works necessary and incident to the restrainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

Mr. Hewitt moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out the words "and at least three of whom shall be actively engaged in hydraulic mining in the hydraulic mining regions of the State," on lines 3, 4, and 5, first page, printed bill.

Motion carried.

The Speaker appointed Mr. Hewitt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 947, with instructions, do now report that the instructions of the Assembly have been carried out.

HEWITT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint and on file for passage.

MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Resolved, That the Senate hereby gives its consent that the rule heretofore adopted that no Senate bill shall be put upon final passage in the Senate, and no Assembly bill be put on final passage in the Assembly, after five o'clock P. M., of March 9, 1907, be dispensed with as to Assembly Bill No. 286, now in the Assembly, and that said bill may be put upon its final passage in the Assembly.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following Assembly bill has been correctly engrossed, viz:

Assembly Bill No. 286—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas.

HANS, Chairman.

Assembly Bill No. 286 ordered on file for third reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 843—An Act to amend Sections 6 and 7 of an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, so as to provide for the payment of services of county auditor, county tax collector, and county treasurer—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JURY, Chairman.

Senate Bill No. 843 ordered on file for second reading.

THIRD READING OF BILLS.

Senate Bill No. 418—An Act to amend Section 1973 of the Code of Civil Procedure, relating to agreements which, or some note or memorandum whereof, must be in writing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 418 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Weske, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 286 passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Thompson of San Francisco, Thompson of Los Angeles, Walsh, Weske, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 311—An Act to amend Section 330 of the Code of Civil Procedure, and to add a section thereto, to be numbered 248, both relating to jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 311 finally passed by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Held, Johnson of Sacramento, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Weske, Wyatt, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 578—An Act to create a reclamation district, to be called Reclamation District No. 774, and providing for the management and control thereof and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 578 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Chandler, Cogswell, Coghlan, Collister, Cullen, Devlin, Drew, Estudillo, Fisher, Forbes, Hammon, Hartmann, Held, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wilson, and Mr. Speaker—47.

NOES—Messrs. Campbell, Case, Cornish, Costar, Cutten, Davis, Finney, Hewitt, Higgins, John, Jury, McGuire, McKeon, McMullin, Otis, Smith, Spaulding, Thompson of San Francisco, Weske, and Wyatt—20.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 268—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 268 refused passage by the following vote:

AYES—Messrs. Berry, Case, Collister, Davis, Drew, Hartmann, Held, Johnson of San Diego, McClellan, O'Brien, Percival, Snyder, and Walsh—13.

NOES—Messrs. Barry, Beban, Bishop, Boyle, Bush, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Fisher, Forbes, Hans, Johnson of Sacramento, Jury, Kohlman, Leeds, Lucas, Lynch, McConnell, McKeon, Otis, Pierce, Pyle, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wilson, Wyatt, and Mr. Speaker—39.

Senate Bill No. 265—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 265 finally passed by the following vote:

AYES—Messrs. Beban, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 11—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Costar, Cullen, Estudillo, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, Johnson of San Diego, Kohlman, Leeds, Lemon, Ludington, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—50.

NOES—Messrs. Chandler, Cornish, Cutten, Davis, Devlin, Drew, Forbes, Held, John, Johnson of Sacramento, Lynch, McClellan, McConnell, Percival, Thompson of Los Angeles, and Weske—16.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 625—An Act relating to the restoration by certain public officers of public records, other than court records or public records of private writings when such public records have been lost, injured, or destroyed by conflagration or other public calamity.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 625 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Percival, Pierce, Pyle, Root, Sackett, Snyder,

Spaulding, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Wilson, Wyatt, and Mr. Speaker—53.
NOES—Mr. Davis—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 867—An Act to amend the Penal Code by adding thereto a new section, to be numbered Section 515, relating to embezzlement by co-owner or co-partner.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 867 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Weske, Wessling, Wilson, and Mr. Speaker—51.
NOES—Messrs. Pyle, Spaulding, and Wyatt—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 463—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling or transporting materials or supplies required in the construction or completion of any public work, improvement or utility, or for the purpose of maintaining or operating any such work, improvement, or utility.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 463 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.
NOES—Mr. Spaulding—1.

Mr. Stanton offered the following amendment to the title:

Amend by striking out all of title of printed bill, and inserting in lieu thereof the following:

"An Act authorizing any incorporated city, town, or municipal corporation to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone, or telegraph line, or other necessary works or structures, for the preparation, manufacturing, handling, or transporting of materials or supplies required in the construction or completion of any public work, improvement, or utility, and to lease, acquire by purchase, condemnation or otherwise, and hold and use lands and other necessary property for said purpose."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Mr. Forbes changed his vote from no to aye for purpose of giving notice of motion to reconsider.

NOTICE OF MOTION TO RECONSIDER.

Mr. Forbes gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 463 was this day passed.

The Speaker declared the notice of motion to reconsider out of order.

Senate Bill No. 259—An Act appropriating one hundred and fifty thousand dollars ($150,000) to aid in the construction of an agricultural building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California; also for providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 259 refused final passage by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Boyle, Bush, Chandler, Cogswell, Coghlan, Cornish, Cullen, Drew, Estudillo, Fisher, Fratessa, Hammon, Hans, Hartmann, Higgins, Johnson of San Diego, Leeds, Lucas, McGuire, Otis, Pierce, Root, Smith, Snyder, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Walsh, Wessling, and Wyatt—38.

NOES—Messrs. Baxter, Bishop, Campbell, Case, Collister, Costar, Cutten, Davis, Devlin, Finney, Forbes, Hewitt, John, Johnson of Sacramento, Jury, Kohlman, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Percival, Pyle, Sackett, Spaulding, Stanton, Thompson of Los Angeles, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—33.

Senate Bill No. 610—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified, for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 610 refused final passage by the following vote:

AYES—Messrs. Beckett, Berry, Bush, Campbell, Drew, Hammon, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kohlman, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Pierce. Sackett, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Whitmore, Wyatt, and Mr. Speaker—27.

NOES—Messrs. Barry, Bell, Birdsall, Case, Chandler, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Hans, Hartmann, Held, Higgins, Jury, Leeds, Lemon, Lucas, McClellan, Percival, Pyle, Thompson of San Francisco, Walsh, Weske, and Wilson—31.

Senate Bill No. 660—An Act to amend Sections 3804 and 3805*a* of the Political Code, relating to the refunding of taxes and the cancellation of certificate of tax sales.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 660 finally passed by the following vote:

AYES—Messrs. Beckett, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Estudillo, Finney, Fisher, Forbes, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, John-

son of San Diego, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McKeon, McMullin, Otis, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wyatt, and Mr. Speaker—51.

NOES—None.

Mr. Thompson of Los Angeles offered the following amendment to the title:

Strike out all of title to bill and insert in lieu thereof the following: "An Act to amend Section 3804 of the Political Code, relating to the refunding of taxes erroneously collected."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 29.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 1, of Article 16 thereof, relating to State indebtedness.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the 7th day of January, 1907, two thirds of all members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Section 1 of Article 16 of the Constitution of the State of California be amended so as to read as follows:

Article 16, State Indebtedness.

SECTION 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy-five years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein throughout the State for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

Senate Constitutional Amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 29 finally adopted by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—62.

NOES—None.

Senate Constitutional Amendment ordered transmitted to the Senate.

Senate Bill No. 397—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Bill read third time.

AAJ—114

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 397 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Fratessa, Hammon, Hans, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wyatt, and Mr. Speaker—54.

NOES—Mr. Coghlan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 884—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, and amended March 2, 1903, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 884 finally passed by the following vote:

AYES—Messrs Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Fisher, Hammon, Hans, Held, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Lucas, Lynch, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 624—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said mining bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 624 finally passed by the following vote:

AYES—Messrs. Beban, Bell, Bishop, Boyle, Bush, Campbell, Case, Cornish, Cutten, Davis, Devlin, Drew, Estudillo, Forbes, Hammon, Hans, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Sackett, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Wyatt, and Mr. Speaker—45.

NOES—Messrs. Chandler, Costar, Finney, Higgins, Smith, Spaulding, Thompson of San Francisco, and Whitmore—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 761—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 761 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Boyle, Bush, Campbell, Case, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Finney, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, Otis, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wilson, Wyatt, and Mr. Speaker—49.

NOES—Messrs. Coghlan, Davis, Estudillo, Forbes, Fratessa, Percival, and Whitmore—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 498—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 498 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Cogswell, Coghlan, Collister, Cutten, Davis, Drew, Forbes, Fratessa, Hammon, Hartmann, Held, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lynch, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Wyatt, and Mr. Speaker—42.

NOES—Messrs. Bush, Campbell, Case, Chandler, Cornish, Costar, Devlin, Estudillo, Fisher, Hans, Hewitt, Higgins, Lucas, Ludington, Smith, Spaulding, Strohl, Vogel, Weske, Whitmore, and Wilson—21.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 682—An Act to amend an Act entitled "An Act to repeal Section 427 of an Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 682 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Devlin, Estudillo, Finney, Fisher, Hammon, Hans, Held, Hewitt, John, Johnson of San Diego, Jury, Lemon, Lucas, Ludington, Lynch, Percival, Pierce, Pyle, Sackett, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—48.

NOES—Mr. Johnson of Sacramento—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 798—An Act to provide for suitable toilet rooms in certain foundries, and providing a penalty for a violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 798 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Davis, Devlin, Fisher, Fratessa, Hammon, Hans, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lemon, Lucas, Ludington, Lynch, O'Brien, Percival, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 730—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by adding thereto a new section, to be numbered Section 25*c*, authorizing boards of supervisors to acquire and maintain parks, and to issue bonds therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 730 finally passed by the following vote:

AYES—Messrs. Barry, Bell, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Percival, Pyle, Root, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 567—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 567 finally passed by the following vote:

AYES—Messrs. Barry, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hammon, Hans, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Transue, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 947—An Act providing for the appointment of a consulting board to the Department of Engineering, to be known as the Consulting Board on Mining Debris, and authorizing such board, under the supervision and subject to the approval of the Advisory Board of the Department of Engineering, to perform certain duties relating to restrainment of mining debris, the construction of certain works necessary and incident to the restrainment thereof, the condemnation or purchase of lands and rights of way necessary therefor, and the operation of mining by the hydraulic process where the same can be done without injury to any other industry.

Bill read third time at a previous time on this day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 947 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Bell, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Cornish, Cutten, Davis, Devlin, Finney, Fisher, Forbes, Hammon, Hans, Johnson of Sacramento, Jury, Kohlman, Leeds, Lucas, Ludington, McKeon, Otis, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strohl, Strobridge, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—43.

NOES—Messrs. Case, Chandler, Drew, Lynch, McConnell, O'Brien, Smith, and Wyatt—8.

Title read and approved.

Bill ordered transmitted to the Senate.

APPROVAL OF JOURNALS.

On motion of Mr. Transue, the Journals of Friday, March 1, Saturday, March 2, Monday, March 4, Tuesday, March 5, Wednesday, March 6, Thursday, March 7, Friday, March 8, Saturday, March 9, and Sunday, March 10, were approved as corrected by the Minute Clerk.

RECESS.

At five o'clock and forty-five minutes P. M., the Assembly was declared at recess until eight o'clock P. M.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

Mr. Transue moved that the Sergeant-at-Arms be instructed to place three watchmen on duty for the night of this, the eleventh day of March, 1907, for the purpose of protecting the property of the Assembly, and that they be instructed to admit no one to the Assembly Chamber except members or officers of the Assembly, or their authorized agents.

Motion carried, and such was the order.

SENATE MESSAGE.

On motion of Mr. Transue, the following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 23—*Resolved by the Senate, the Assembly concurring*, That no bills shall be considered in either house after six P. M. this 11th day of March, except upon concurrence of Senate or Assembly in amendments of the other body and reports of conference and free conference committees.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

SPECIAL ORDER SET.

On motion of Mr. Stanton, the further consideration of Senate Concurrent Resolution No. 23 was made a special order for eleven o'clock P. M. of this day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No 561—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, prohibit-

ing the wearing of the uniform of the United States army or navy or National Guard, and providing a penalty for the violation thereof.

Assembly Bill No. 649—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California and of the California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County, to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said institutions, and to provide for their compensation.

Assembly Bill No. 53—An Act to provide for replacing the worn-out plumbing and fittings in the barracks of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 54—An Act making an appropriation for improving the water supply at the Veterans' Home of California, located at Yountville, Napa County.

Assembly Bill No 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 628—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as the 'Whittier State School,'" by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties and compensation of a secretary of said school.

Assembly Bill No. 882—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.

Assembly Bill No. 591—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.

Assembly Bill No. 446—An Act to pay the claim of the County of Sacramento against the State of California.

Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California, located at Yountville, Napa County.

Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 987—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.

Assembly Bill No. 582—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.

Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital and making an appropriation therefor.

Assembly Bill No. 786—An Act to amend the Political Code, by adding thereto a new section, to be numbered 419*a*.

Assembly Bill No. 748—An Act making an appropriation of two thousand nine hundred ($2,900.00) dollars to be applied to the cost of grading, curbing with wood, macadamizing and concrete guttering Hearst Avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Assembly Bill No. 855—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.

Assembly Bill No. 799—An Act to amend Section 1817 of the Political Code, relating to county and city and county school tax.

Assembly Bill No. 152—An Act to amend Section 753 of the Political Code, relating to disposition of fees of the Clerk of the Supreme Court.

Assembly Bill No. 557—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.

Assembly Bill No. 866—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Assembly Bill No. 138—An Act to add a new article to Part III, Title, VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772, inclusive, authorizing the formation of permanent road divisions for the construction and improvement of roads in such divisions and prescribing the method of such formation and of providing funds for said purposes.

Assembly Bill No. 106—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of public and private forest lands within the State of California; creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."

Assembly Bill No 876—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.

Assembly Bill No. 934—An Act to add a new section to the Political Code to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.

Assembly Bill No. 562—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Assembly Bill No. 1—An Act creating a board, to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks and employés.

Assembly Bill No. 333—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.

Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualification, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.

Assembly Bill No. 952—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.

Assembly Bill No. 948—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203*a*, relating to liens.

Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Assembly Bill No. 428—An Act making an appropriation for searching for beneficial insects.

Assembly Bill No. 951—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction and to provide for officers of said courts and to fix the compensation of certain officers thereof," approved March 21, 1905.

Assembly Bill No. 852—An Act relating to life, health and accident insurance of live stock on the assessment plan and the conduct of the business of such insurance.

Assembly Bill No. 572—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey and to prohibit taking the same from such preserve for commercial purposes.

Assembly Bill No. 828—An Act to pay the claim of Mrs. John F. Kidder against the State of California.

Assembly Bill No. 676—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.

Assembly Bill No. 16—An Act to pay the claim of James Touhey against the State of California, and making an appropriation therefor.

Assembly Bill No. 594—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor; and providing for an appropriation of money therefor.

Assembly Bill No. 890—An Act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter 263, Statutes 1905, all relating to the water supply at the Whittier State School.

Assembly Bill No. 630—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.

Assembly Bill No. 869—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.

Assembly Bill No. 918—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Assembly Bill No. 587—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education, regarding fraternities in public schools.

Assembly Bill No. 751—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.

Assembly Bill No. 750—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.

Assembly Bill No. 975—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.

Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.

Assembly Bill No. 491—An Act amending an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," which became a law under constitutional provision without Governor's approval February 25, 1901, by amending Sections 2, 5, 7 and 9 thereof.

Assembly Bill No. 387—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.

And were presented to the Governor March 11, 1907, at two o'clock and thirty minutes P. M.

HANS, Chairman.

THIRD READING OF BILLS.

Senate Bill No. 941—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 941 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Cornish, Costar, Cullen, Davis, Devlin, Drew, Fisher, Fratessa, Hartmann, Held, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Root, Sackett, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 862—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522*a* thereof, relating to certification of the monthly statement by the secretary of the Board of State Harbor Commissioners to the State Controller, and the employment of a certified public accountant thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 862 finally passed by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Fisher, Forbes, Held, Johnson of Sacramento, Johnson of San Diego, Kohlman, Lemon, Lucas, Ludington, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 77—An Act to amend Section 205 of the Code of Civil Procedure, relating to the qualification of jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 77 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Birdsall, Boyle, Campbell, Case, Chandler, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of Los Angeles, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 352—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 352 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Held, Johnson of Sacramento, Johnson of San Diego, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 943—An Act to empower the Board of Managers of the Southern California State Hospital to sell a right of way for an electric railroad.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 943 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Drew, Finney, Fisher, Forbes, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 680—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of San Diego, Kelly, Kohlman, Lemon,

Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pyle, Sackett, Snyder, Stanton, Stetson, Strobridge, Toomey, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.
NOES—Messrs. Johnson of Sacramento, Leeds, and Root—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 872 -An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 872 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Costar, Cullen, Cutten, Davis, Devlin, Fisher, Forbes, Hartmann, Held, Hewitt Higgins, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.
NOES—Mr. Kelly—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 642—An Act to amend Section 384*c* of the Penal Code, relating to the injuring of animals by persons hunting.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 642 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Cornish, Cullen, Cutten, Davis, Devlin, Fisher, Forbes, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lucas, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Stanton, Strohl, Strobridge, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.
NOES—Mr. Barry—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 117—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judicial officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 117 refused final passage by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Boyle, Butler, Campbell, Coghlan, Cullen, Fisher, Forbes, Fratessa, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, McGuire, McMullin, Pierce, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Toomey, Transue, Vogel, Walsh, Wilson, and Mr. Speaker—36.
NOES—Messrs. Baxter, Birdsall, Bishop, Case, Chandler, Cogswell, Cornish, Costar, Cutten, Davis, Devlin, Higgins, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pyle, Root, Sackett, Strobridge, Thompson of Los Angeles, Weske, Wessling, Whitmore, and Wyatt—30.

Committee Substitute for Senate Bill No. 806—An Act to pay the claim of John E. Toler, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 806 finally passed by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Forbes, Fratessa, Hartmann, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, and Wilson—41.

NOES—Messrs. Campbell, Case, Chandler, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Fisher, Held, Hewitt, Higgins, John, Johnson of San Diego, McConnell, Otis, Strobridge, Weske, Whitmore, Wyatt, and Mr. Speaker—22.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 829—An Act to add a new section to the Political Code, to be numbered Section 1361, and to amend Section 1367 of the Political Code, in relation to primary elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 829 finally passed by the following vote:

AYES—Messrs. Baxter, Birdsall, Bishop, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cutten, Davis, Devlin, Drew, Forbes, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—42.

NOES—Messrs. Barry, Beban, Beckett, Boyle, Cullen, Fratessa, Hartmann, Kohlman, Lemon, McGuire, Otis, Root, Strohl, Thompson of San Francisco, Toomey, Vogel, Walsh, and Wilson—18.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Conference concerning Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry—report that we have met a like committee of the Senate, consisting of Senators Caminetti, Anderson, and Belshaw, and we report that the conference committee have agreed, and recommend that the Senate concur in the Assembly amendment.

CHANDLER,
Chairman of Committee on Conference of the Assembly.

Senate Bill No. 546—An Act to amend Section 16 of an Act entitled "An Act to amend an Act entitled 'An Act defining and providing for the control, protection and treatment of dependent delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence,' approved February 26, 1903," approved March 22, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 546 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 33.

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof, by amending Section III thereof, relating to the liability of stockholders of a corporation or joint-stock association.

The Legislature of the State of California at its thirty-seventh session, commencing the seventh day of January, 1907, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Article XII of the Constitution of the State of California be amended by amending Section 3 thereof, so as to read as follows:

Section 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association, during the term of office of such director or trustee.

Nothing in the preceding paragraph of this section shall be held to apply to any exposition company organized to promote and carry on any international exposition or world's fair within the State of California, and the liability of stockholders herein shall be and the same is hereby limited to the amount of stock of said corporation subscribed for by them.

Senate Constitutional Amendment read.

The roll was called, and Senate Constitutional Amendment No. 33 finally adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—61.

NOES—None.

Senate Constitutional Amendment No. 33 ordered transmitted to the Senate.

Senate Bill No. 725—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 725 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Drew, Fisher, Forbes, Held, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lynch, McClellan, McGuire, McKeon, McMullin, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson,

Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Chandler, Cornish, Devlin, Hans, Hewitt, Lucas, Ludington, McConnell, and Spaulding—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 166—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said commissioner, his deputy, agents, and assistants, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 166 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Finney, Forbes, Fratessa, Hans, Held, John, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 854—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 854 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Cogswell, Collister, Cornish, Davis, Devlin, Drew, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—Mr. Percival—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco, in 1913, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 57 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Collister, Cornish, Davis, Devlin, Drew, Fisher, Fratessa, Hans, Hartmann, Held, Hewitt, John, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Smith, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—50.

NOES—Messrs. Chandler, Cogswell, Cutten, Finney, Forbes, Higgins, McClellan, Sackett, Snyder, and Spaulding—10.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 237—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance, and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 237 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Collister, Cornish, Cutten, Devlin, Drew, Finney, Fisher, Forbes, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Thompson of San Francisco, Transue, Weske, Whitmore, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

The following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "five," on line 3, first page, printed bill, and inserting in lieu thereof the following: "seven."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "second," on line 2, first page, printed bill, and inserting in lieu thereof the following: "seventh."

Amendment adopted.

Senate Constitutional Amendment No. 14 ordered to print and on file for adoption.

SPECIAL ORDER SET.

On motion of Mr. Transue, consideration of Senate Constitutional Amendment No. 14 was made a special order for Tuesday, March 12, 1907, immediately after the reading of the Journal.

Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 553 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hans, Held, Hewitt, Higgins, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Whitmore, and Mr. Speaker—50.

NOES—Messrs. Coghlan, Cullen, Fratessa, Hartmann, and Kohlman—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 135—An Act to amend Section 3817 of the Political Code of California, relative to the redemption of real estate sold for taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 135 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Collister, Cutten, Devlin, Drew, Finney, Fisher, Forbes, Hans, Hartmann, Held, Higgins, Johnson of Sacramento, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 727—An Act to purchase from the heirs of William Cogswell, deceased, two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of two thousand dollars therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 727 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Fratessa, Hartmann, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—53.

NOES—Messrs. McClellan, Spaulding, and Weske—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 102—An Act to amend Section 198 of the Code of Civil Procedure, relating to the qualifications of jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 102 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hans, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Whitmore, Wilson, Wyatt, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 15.

Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.

Resolved by the Senate, the Assembly concurring, That a special committee of the thirty-seventh session of the Legislature, to consist of two Senators, to be appointed by the President of the Senate, and of three Assemblymen, to be appointed by the Speaker of the Assembly, is hereby created, and authorized and empowered to inspect, and investigate, and, at the next session of the Legislature, report upon, at least three sites suitable for State rifle ranges in the State of California, as nearly as may be, as follows:

(*a*) One each near the respective center of population in the northern, central and southern sections of the State.

(*b*) One each in the mountain, valley and coast regions of the State.
(*c*) Consideration shall be given to access to such site by water, rail or highway.

Senate Concurrent Resolution read.

The roll was called, and Senate Concurrent Resolution No. 15 adopted by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Finney, Fisher, Forbes, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Lynch, McConnell, McGuire, McKeon, O'Brien, Percival. Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—55.

NOES—Mr. McClellan—1.

Senate Concurrent Resolution No. 15 ordered transmitted to the Senate.

Senate Bill No. 945—An Act making an appropriation of three hundred dollars to pay the claim of George H. P. Shaw against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 945 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Hartman, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, McKeon, O'Brien, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—Messrs. Bell, Case, Chandler, Cornish, Fisher, McConnell, Spaulding, and Strobridge—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 946—An Act making an appropriation of three hundred dollars to pay the claim of George H. P. Shaw against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 946 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Bishop, Boyle, Campbell, Cogswell, Coghlan, Collister, Cullen, Cutten, Devlin, Drew, Fisher, Fratessa, Hans, Hartmann, Held, John, Johnson of Sacramento, Jury, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McGuire, McKeon, O'Brien, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wyatt, and Mr. Speaker—48.

NOES—Messrs. Bell, Birdsall, Butler, Case, Chandler, Cornish, Davis, Finney, Forbes, Hewitt, McConnell, McMullin, and Strobridge—13.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 810—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 810 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hans, Hart-

man, Held, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, McClellan, McConnell, McKeon, McMullin, Percival, Pierce, Pyle, Root, Snyder, Spaulding, Stanton, Strobridge, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—47.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 531—An Act to provide for the improvement of the public highways, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 531 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Cornish, Davis, Devlin, Fisher, Forbes, Hans, Held, Hewitt, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—47.
NOES—Mr. Lucas—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 626—An Act to add a new section to the Code of Civil Procedure, to be numbered 751½, relating to the effect of judgments in actions to quiet title and determine adverse claims to real property, and in actions for specific performance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 626 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Davis, Devlin, Drew, Fisher, Forbes, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, and Mr. Speaker—53.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 270 finally passed by the following vote:

AYES—Messrs. Beban, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Hans, Hartmann, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—54.
NOES—Messrs. Bell, Chandler, Fisher, and Held—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 803—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 329, relating to the time for bringing suits affecting the title of real property partitioned by decree of court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 803 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Case. Chandler, Collister, Cornish, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—Mr. Cutten—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 651—An Act to amend Section 2580 of the Political Code of the State of California, relating to the powers of the State Board of Harbor Commissioners for the Bay of San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 651 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Hartmann, Held, John, Johnson of Sacramento, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER RESET.

Mr. Stanton moved that the special order heretofore set for the hour of eleven o'clock P. M. of this day be reset for eleven o'clock and fifteen minutes P. M.

Motion carried, and such was the order.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read (unanimous consent having been obtained for its reception):

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Rules and Regulations beg to report the following temporary rule, and recommend its adoption:

Resolved, That Senate Bill No. 949 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage, and that said bill be considered immediately.

LEEDS, Chairman.

Report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Berry, Birdsall, Boyle, Campbell, Chandler, Cogswell, Collister, Costar, Cutten, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Held, Hewitt, Higgins, John,

Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, and Wilson—54.

NOES—Messrs. Bishop, Case, Cornish, Davis, Hartmann, McConnell, Wyatt, and Mr. Speaker—8.

MESSAGES FROM THE SENATE.

Messages from the Senate were taken up and read, as follows:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.

Also: Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Also: Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Also: Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Also: Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197*a*, relating to claims against counties for the expense of keeping insane prisoners.

Also: Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to Superior Courts.

Also: Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code, and repeal Sections 384*a* and 384*b* of said Penal Code, all relating to forest fires.

Also: Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Also: Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals, and excavations to the United States, over the public lands of this State.

Also: Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.

Also: Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Also: Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Also: Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State hospitals.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as cases of urgency:

Assembly Bill No. 1039—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Also: Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

Also: Assembly Bill No. 313—An Act providing for courses of study in agriculture and domestic science in high schools, and making an appropriation in aid thereof.

Also: Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof.

Also: Assembly Bill No. 1018—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.

Also: Assembly Bill No. 841—An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

Also: Assembly Bill No. 900—An Act to amend Section 53 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the county and township officers and their terms of office.

Also: Assembly Bill No. 286—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education.

Also: Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to Section 16 of Article IV of the Constitution, in relation to the approval and return of bills by the Governor and the exercise of the veto power.

Also: Assembly Concurrent Resolution No. 22—Relative to the consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months.

Also: Assembly Concurrent Resolution No. 25—Relative to leave of absence for Grove L. Johnson, et al.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 463—An Act authorizing any incorporated city, town, or muncipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use lands and other necessary property for the purpose of constructing, equipping, using, maintaining and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling or transporting materials or supplies required in the construction or completion of any public work, improvement or utility, or for the purpose of maintaining or operating any such work, improvement or utility.

Also: Senate Bill No. 811—An Act to repeal Title II of Part IV of the Political Code, and to add a new Title II, Part IV of said Code in place thereof, relating to the establishment of a uniform system of county and township government.

Also: Senate Bill No. 660—An Act to amend Sections 3804 and 3805*a* of the Political Code, relating to the refunding of taxes and the cancellation of certificate of tax sales.

Also: Senate Bill No. 872—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.

Also: Senate Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XII thereof, by amending Section 3 thereof, relating to the liability of stockholders of a corporation or joint stock association.

Also: Senate Bill No. 114—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Also: Senate Bill No. 54—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.

Also: Senate Bill No. 57—An Act appropriating money to pay expenses necessary for the proper representation of the State of California, and of an exhibit of the products thereof, at the proposed International or World's Exposition to be held in the City and County of San Francisco in nineteen hundred and thirteen, commemorative of the four hundredth anniversary of the discovery of the Pacific Ocean by Vasco Nunez Balboa, and to provide for commissioners thereof.

Also: Senate Bill No. 553—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to the following:

Assembly Bill No. 452—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.

Also: Assembly Bill No. 261—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.

Also: Assembly Bill No. 898—An Act creating a Public Relief Commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants, and for their compensation; providing a course of procedure where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of the commissioner, and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 531—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.

Also: Assembly Bill No. 500—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605.

Also: Assembly Bill No. 753—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of $300," approved February 18, 1874, and an Act amendatory thereof, approved March 8, 1895.

Also: Assembly Bill No. 988—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674*a*, relating to contracts involving carriers of newspapers and newspaper carriers' business.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended and on this day passed, as amended, the following:

Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Also: Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement or utility.

Also: Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9, thereof and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

Also: Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Also: Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Also: Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

Also: Assembly Bill No. 458—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

Also: Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

Also: Senate Bill No. 366—An Act to amend an Act entitled an Act to provide for the organization and management of county fire insurance companies, approved April 1, 1897, by amending Sections 7, 10, 11, and 12 thereof.

And respectfully request that your honorable body concur in said amendments.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Assembly Bills Nos. 798, 364, 602, 691, 696, 270, 695, 102, 922, 692, 902, 513, 756, 826, 351, 1039, 947, 313, 971, 1018, 841, 900, and 286, Assembly Constitutional Amendments No. 24 and 28, and Assembly Concurrent Resolutions Nos. 22 and 25 ordered to enrollment.

Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 473?"

On page 1, Section 1, line 3, strike out the word "own," and insert in lieu thereof the following: "hold or are in possession of."

The roll was called, and Senate amendment to Assembly Bill No. 473 was concurred in by the following vote:

AYES—Messrs. Baxter, Berry, Birdsall, Campbell, Cogswell, Collister, Cornish, Cullen, Davis, Devlin, Drew, Fisher, Forbes, Hans, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Weske, Wilson, Wyatt, and Mr. Speaker—45.
NOES—None.

Assembly Bill No. 473 ordered to enrollment.

Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement or utility.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 699?"

SENATE AMENDMENTS.

On page 1, amend the title of said bill by striking out the period after the word "utility," in line 4 of said title, and insert in lieu thereof the following: ", or sawmill."

Also: On page 1, Section 1, line 6, after the word "utility," strike out semicolon and insert comma, and add the following: "or within four miles of any sawmill where lumber is being manufactured."

Also: On page 1, Section 1, line 11, after the word "such," insert the word "sawmill."

Also: On page 2, Section 2, line 5, insert period after the figures "$500," and strike out all of the remaining lines of said section.

Also: Amend Section 1, line 5, by adding after the word "more," the word "while."

Also: On same line, strike out the figures "25," and insert in lieu thereof "one hundred."

Also: Strike out of line 10, Section 1, the words "at least six months next."

The roll was called, and Senate amendments to Assembly Bill No. 699 were concurred in by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Boyle, Campbell, Case, Chandler, Cogswell, Cornish, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spaulding, Stanton, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—49.

NOES—None.

Assembly Bill No. 699 ordered to enrollment.

Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provisions for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 901?"

SENATE AMENDMENT.

Amend the title by adding after the figures "1906," on the last line of the title, the following: "by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights."

The roll was called, and Senate amendment to Assembly Bill No. 901 was concurred in by the following vote:

AYES—Messrs. Baxter, Beckett, Berry, Birdsall, Boyle, Campbell, Case, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Stetson, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wyatt, and Mr. Speaker—46.

NOES—None.

Assembly Bill No. 901 ordered to enrollment.

Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 936?"

Insert after the enacting clause, in printed bill, the word "section."

The roll was called, and Senate amendment to Assembly Bill No. 936 was concurred in by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Boyle, Campbell, Case, Cogswell, Collister, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Percival, Pierce, Root, Sackett, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Messrs. Barry and Coghlan—2.

Assembly Bill No. 936 ordered to enrollment.

Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1008?"

SENATE AMENDMENTS.

On page 1, line 1, insert before the word and figures "Section 1945" the word and figure "Section 1."

Also: On page 1, Section 1, line 3, strike out the words "Relation to renewal of lease by lessee's continued possession."

Also: On page 1, Section 1, line 3, strike out the word "Section 1."

The roll was called, and Senate amendments to Assembly Bill No. 1008 were concurred in by the following vote:

AYES—Messrs. Barry, Beckett, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Collister, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hans, Hartmann, Hewitt, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, Lynch, McConnell, O'Brien, Percival, Pierce, Root, Sackett, Smith, Snyder, Stanton, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—44.

NOES—Mr. Wessling—1.

Assembly Bill No. 1008 ordered to enrollment.

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 840?"

SENATE AMENDMENTS.

Amend title by striking out all after the word "Act," and inserting in lieu thereof the following: To amend section three thousand seven hundred eighty-eight of the Political Code, enacted March 28, 1895, and to repeal section three thousand seven hundred eighty-eight of the Political Code, as amended February 25, 1895, relating to sale of public lands, and delinquent taxes due on assessment thereof.

Also: Amend on page 1, Section 1, line 2, by inserting after the word "code," the following: "enacted March 28, 1895."

Also: On page 1, Section 1, line 14, before the word "but," insert the following: "*provided*, that if at the time such deed is filed with the Surveyor-General there is pending in the Superior Court of the county in which the land is situated, a contest for the purchase of such State land, the contestant in such contest, if he is contesting on the ground that he is an actual settler and that such land is suitable for cultivation, shall have the preferred right for four months after the deed is filed to purchase such land, and his application in the Surveyor-General's office shall be renewed and considered for such

purpose, and if it shall appear to the Surveyor-General by affidavit of such contestant, supported by the affidavit of two disinterested witnesses, that such contestant has resided on the land for the period of one year, or more, since the filing of his application, then and in that case, upon the previous payment into the State treasury, as other moneys are required to be paid therein, of the sum or sums hereinafter mentioned, together with the whole of the purchase price of the lands thus sought to be purchased, the Register of the State Land Office shall issue to such contestant a certificate of purchase and upon surrender of such certificate by the person or persons entitled to the same, a patent for such land shall be issued to him or them as provided in Sections 3519 and 3520 of this Code."

Also: On page 2, Section 2, line 1, by striking out the word "all," and inserting in lieu thereof the following: "Section three thousand seven hundred and eighty-eight of the Political Code, enacted February 25, 1895, and all."

Also: Amend by inserting in Section 1, line 17, after the word "contest" the following: "if he has not entered or purchased any portion of any lands mentioned in Section 3494 of the Political Code, which, together with that now sought to be purchased, exceeds three hundred and twenty acres and such fact is determined by such court, and."

Also: In Section 1, line 20, insert after the word "filed" the following: "and such determination is made."

The roll was called, and Senate amendments to Assembly Bill No. 840 were concurred in by the following vote:

AYES—Messrs. Beckett, Birdsall, Bishop, Boyle, Campbell, Case, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hans, Hartmann, Johnson of Sacramento, Johnson of San Diego, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, Percival, Pierce, Root, Sackett, Smith, Snyder, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—46.

NOES—Mr. Barry—1.

Assembly Bill No. 840 ordered to enrollment.

Mr. Stanton moved that the Assembly concur in the following Senate amendment to the title of Assembly Bill No. 458—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

SENATE AMENDMENT.

Amend the title by striking out the figures "10,000," and inserting in lieu thereof the figures "5,000."

Motion carried, and amendment to the title adopted.

Assembly Bill No. 458 ordered to enrollment.

Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.

The question being put, "Shall the Assembly refuse to concur in the following Senate amendments to Assembly Bill No. 361?"

SENATE AMENDMENTS.

On page 1, title, strike out all of said title and insert in lieu thereof the following: "An Act to protect trade and commerce against unlawful restraints and monopolies."

Also: On page 1, Section 1, line 1, strike out all of Sections 1, 2 and 3, and insert:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in unreasonable restraint of trade or commerce, within the State of California, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize or attempt to monopolize or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce with the State of California, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. The several superior courts of the State of California are hereby invested with jurisdiction to prevent and restrain violations of this Act; and it shall be the duty of the several district attorneys in the respective counties, under the direction of the Attorney-General of the State, to institute proceedings in equity to prevent and restrain such violations. Such proceeding may be by way of petitions setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 4. Whenever it shall appear to the court before which any proceedings under Section 3 of this Act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the county in which the court is held or not.

SEC. 5. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in Section 1 of this Act, and being in the course of transportation within the State of California, shall be forfeited to the State of California, and may be seized and condemned by like proceedings as those provided by law for the recovery of escheated estates, Title VIII, Part III, of the Code of Civil Procedure.

SEC. 6. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this Act may sue therefor in any court of competent jurisdiction and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 7. That the word "person" or "persons" wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the territories or of any State, or of this State, or of any foreign country.

The roll was called, and the Assembly refused to concur in Senate amendments to Assembly Bill No. 361 by the following vote:

AYES—Messrs. Beckett, Berry, Birdsall, Boyle, Campbell, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Devlin, Hans, Hewitt, Johnson of San Diego, Leeds, Lynch, McMullin, Percival, Pierce, Root, Sackett, Smith, Snyder, Stanton, Stetson, Transue, Walsh, Weske, Whitmore, Wilson, and Mr. Speaker—32

NOES—Messrs. Baxter, Case, Davis, Drew, Fisher, Forbes, Johnson of Sacramento, Ludington, McConnell, McKeon, and Wyatt—11.

Assembly Bill No. 366—An Act to amend an Act entitled an Act to provide for the organization and management of county fire insurance companies, approved April 1, 1897, by amending Sections 7, 10, 11, and 12 thereof.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 366?"

SENATE AMENDMENT.

On page 1, after the title, insert the following:

"The people of the State of California, represented in Senate and Assembly, do enact as follows:"

The roll was called, and Senate amendment to Assembly Bill No. 366 was concurred in by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Birdsall, Boyle, Campbell, Case, Cogswell, Collister, Cornish, Cutten, Davis, Devlin, Drew, Fisher, Forbes, Hans, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Leeds, Lucas, Lynch, McGuire, McKeon, O'Brien, Percival, Pierce, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Thompson of Los Angeles, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—41.

NOES—Mr. Bishop—1.

Assembly Bill No. 366 ordered to enrollment.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Conference concerning Senate Bill No. 106—An Act appropriating money for the purchase of furniture and bedding for the use of and

for repairs at the Preston School of Industry—report that we have met a like committee of the Senate, consisting of Senators Caminetti, Anderson, and Belshaw, and we report that the conference committee has agreed, and recommend that the Assembly recede from its amendment.

SNYDER,
Chairman of Committee on Conference of the Assembly.

The roll was called, and the report of conference committee was adopted, and the Assembly receded from Assembly amendment to Senate Bill No. 106 by the following vote:

AYES—Messrs. Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Hammon, Hans, Hartmann, Held, Hewitt, Johnson of Sacramento, Johnson of San Diego, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Root, Sackett, Spaulding, Stanton, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Campbell and Forbes—2.

Senate Constitutional Amendment No. 17—Amending Section 31 of Article IV of the Constitution, relative to the granting of aid to certain counties.

Senate Constitutional Amendment read.

The roll was called, and Senate Constitutional Amendment No. 17 was refused adoption by the following vote:

AYES—Messrs. Birdsall, Butler, Case, Chandler, Coghlan, Cutten, Davis, Devlin, Drew, Forbes, Fratessa, Held, Johnson of San Diego, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McGuire, McKeon, O'Brien, Percival, Pierce, Sackett, Smith, Snyder, Spaulding, Thompson of Los Angeles, Whitmore, and Mr. Speaker—31.

NOES—Messrs. Bell, Berry, Bishop, Campbell, Cornish, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Lucas, McConnell, Root, Stanton, Transue, Walsh, and Wyatt—17.

SPECIAL ORDER.

The hour of eleven o'clock and fifteen minutes P. M. having arrived, the special order heretofore set for consideration at this hour was taken up.

Senate Concurrent Resolution No. 23 read.

POINT OF ORDER.

Mr. Stanton arose and made the following point of order:

That the time at which the resolution was to have gone into effect having passed, the resolution falls of its own weight.

The Speaker declared the point of order well taken.

Senate Bill No. 493—An Act to define, prohibit, and punish the desecration, mutilation, or improper use of the flag of the United States of America, and to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1889.

Bill read second time, and ordered on file for third reading.

ADJOURNMENT.

At eleven o'clock and forty-five minutes P. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly adjourned until nine o'clock and thirty minutes A. M. of Tuesday, March 12, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,
Tuesday, March 12, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

Quorum present.

LEAVES OF ABSENCE.

On motion, the following members were granted leave of absence for the day: Messrs. Eshleman, Smyth, and Vogel.

ADDRESS BY THE CHAPLAIN.

Upon invitation of the Assembly, Rev. P. H. Willis, Chaplain of the Assembly, addressed the Assembly as follows:

Mr. Speaker and Gentlemen of the Assembly: A little more than two months ago you elected me to the sacred office of Chaplain of this Assembly. At that time I had met only one of your number. Seventy-nine of you were strangers to me. We are no longer strangers. Coming here from the pineries of the north; from the orange groves of the southland; from the mountains of the east, and from counties washed by waters of the western sea, we have mingled together as brethren. I have felt a deep sense of responsibility to our Heavenly Father for both my personal and official influence upon you. I came to you not as a denominationalist, but as a minister of God. I trust my labors have not been in vain.

I thank you, gentlemen, for the kindness so uniformly extended to me, and the deference which you have shown to the office which I hold.

We are not all here. That draped desk yonder reminds us that one of our number has been called home; and now as we are about to separate, and as our lives will ever be refreshed by the memory of friendships formed here, may our hearts also be softened by a throb of sympathy for the bereaved ones.

And now while we appreciate the mutual obligation of brother to brother, let us *all* give thanks unto our loving Father in Heaven for his unfailing mercies.

PRAYER.

Prayer was offered by the Chaplain, Rev. P. H. Willis.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. O'Brien, its further reading was dispensed with.

CORRECTION OF THE JOURNAL.

On motion of Mr. Thompson of Los Angeles, the Journal of Monday, March 11, 1907, was approved as corrected by the Minute Clerk.

RESOLUTION.

By Mr. Transue:

Resolved, That H. A. Harper be and he is hereby made Acting Minute Clerk of the Assembly, and empowered to perform all duties of, and sign all documents coming from, the office of the Minute Clerk.

Adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 502—An Act making an appropriation of $500,000 to increase the salaries of the members of the teaching staff of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 515—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 646*b*, relating to the payment of fees for the shipment of seamen and apprentices.

Also: Assembly Bill No. 516—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered six hundred and forty-six *a* (646*a*), relating to the shipment of seamen and apprentices, and the fees that may be charged therefor.

Also: Assembly Bill No. 521—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.

Also: Assembly Bill No. 554—An Act to amend Section 393 of the Penal Code.

Also: Assembly Bill No. 555—An Act to add a new section to the Penal Code, to be known as section number ——.

Also: Assembly Bill No. 576—An Act to amend Sections 2 and 4 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act." approved March 20, 1905, establishing a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers.

Also: Assembly Bill No. 637—An Act to amend Section 246 of the Political Code of California, relating to officers of the Assembly.

Also: Assembly Bill No. 617—An Act to amend Section 827 of the Civil Code of the State of California, relating to the change of the terms of leases from month to month.

Also: Assembly Bill No. 625—An Act to amend Section 396 of the Code of Civil Procedure, relating to place of trial in civil actions.

Also: Assembly Bill No. 671—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers.

Also: Assembly Bill No. 684—An Act making it a misdemeanor for any street railroad company or person operating street cars in any city or town in the State of California, or any conductor, agent, or employé of such company or person to collect fare from any passenger until such passenger is provided with a seat in the car or other conveyance in use.

Also: Assembly Bill No. 688—An Act to amend Section 607*e* of the Civil Code.

Also: Assembly Bill No. 703—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 618*a*, providing for application of the securities authorized and required under Section 618 of the Political Code.

Also: Assembly Bill No. 707—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to said Political Code, to be designated as Section 881, to provide for a uniform term of office for certain public officers and officials, whose office is or has been created by Act of the Legislature of this State where the appointment of such officer or official is given by law to the Governor, or to the Governor with the advice and consent of the Senate; and to provide for the termination of the present term of office of such officer or official or officials; and to provide for the appointment of their successors in office, and the duration of their terms of office respectively, and also for the removal of such appointees; and to prevent the restraining or delaying of such appointments, or the restraining or delaying of the taking possession of any such office by any appointee; and to repeal all Acts or parts of Acts inconsistent with this Act.

Also: Assembly Bill No. 803—An Act to provide for the reproduction of books, documents, maps, or records of any city, county or city and county board or officer, where the same have been destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 854—An Act to amend Section 102 of the Civil Code of the State of California, relating to desertion in connection with actions of divorce.

Also: Assembly Bill No. 863—An Act to protect the occupants of automobiles, or other self-propelled vehicles, other than those operating or traveling on rails, from injury by prohibiting the use of such vehicles if not equipped with safety devices.

Also: Assembly Bill No. 888—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 3524, relating to the sale of certain State lands.

Also: Assembly Bill No. 889—An Act to authorize the United States of America to sue the State of California.

Also: Assembly Bill No. 895—An Act to amend Section 1624 of the Civil Code, relating to what contracts must be in writing.

Also: Assembly Bill No. 833—An Act to punish combinations in restraint of trade.

Also: Assembly Bill No. 834—An Act fixing time for passing sentence in criminal actions.

Also: Assembly Bill No. 862—An Act to authorize suits against the State of California concerning certain real property, and regulating the procedure therein.

Also: Assembly Bill No. 249—An Act authorizing certain corporations to loan and invest money, and regulating the same.

Also: Assembly Bill No. 246—An Act to prevent a minor child misrepresenting his age to procure intoxicating liquors.

Also: Assembly Bill No. 50—An Act to amend Section 933 of the Code of Civil Procedure of the State of California, relating to proceedings in civil courts, creating liens, and enforcing judgments.

Also: Assembly Bill No. 61—An Act to fix the standard of qualification for the practice of osteopathy in the State of California; to appoint a Board of Osteopathic Examiners; to provide for examination and certification of applicants, and to provide a penalty for the violation of this Act.

Also: Assembly Bill No. 72—An Act to amend Section 686 of the Penal Code of the State of California, relating to the rights of defendants in a criminal action.

Also: Assembly Bill No. 76—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligation of employers.

Also: Assembly Bill No. 77—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Also: Assembly Bill No. 100—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1964, relating to evidence in actions for injuries from fire to woodlands.

Also: Assembly Bill No. 114—An Act to amend Section 137 of the Civil Code of the State of California, relating to expenses of action for divorce, alimony, and maintenance.

Also: Assembly Bill No. 112—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities and towns.

Also: Assembly Bill No. 115—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisement and pay of appraisers.

Also: Assembly Bill No. 133—An Act to amend Section 1382 of the Penal Code, relating to the dismissal of actions.

Also: Assembly Bill No. 136—An Act to amend Section 809 of the Penal Code, relating to the filing of informations.

Also: Assembly Bill No. 164—An Act to amend Sections 1182 and 1175 of the Penal Code of the State of California, relating to new trials.

Also: Assembly Bill No. 208—An Act to amend Section 3546 of the Political Code of the State of California, relating to the statement to be furnished by the Register of the State Land Office to the District Attorney of each county in the State of California.

Also: Assembly Bill No. 221—An Act to provide for the preservation of the public records of counties and cities and counties of the State of California, by printing the same and binding the same, and for the payment thereof, and for the sale and distribution of portions thereof.

Also: Assembly Bill No. 227—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.

Also: Assembly Bill No. 238—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by conflagration or other public calamity.

Also: Assembly Bill No. 239—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 330 thereof, relating to illegal gaming.

Also: Assembly Bill No. 7—An Act to amend Section 534 of the Political Code.

Also: Assembly Bill No. 14—An Act to amend Section 330 of the Penal Code of California, relating to gaming.

Also: Assembly Bill No. 251—An Act to repeal Sections 258 and 259 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the publication of cartoons and caricatures and the signature of newspaper articles.

Also: Assembly Bill No. 257—An Act for the payment of fees for grand and trial jurors, and also for witnesses, who serve as such in Superior Courts of the State of California, and fixing the amounts therefor.

Also: Assembly Bill No. 292—An Act to amend Section 3415 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to actions in the courts to determine contests concerning the purchase of land from the State.

Also: Assembly Bill No. 293—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees selected or appointed for that purpose.

Also: Assembly Bill No. 323—An Act regulating the foreclosure of power of sale mortgages, deeds of trust containing powers of sale, and conveyances in trust, or otherwise, to secure debts, or other obligations, whereby the trustee is invested with power to sell the property, and prescribing the manner in which such powers of sale shall be exercised.

Also: Assembly Bill No. 331—An Act relating to pawnbrokers, companies, and corporations doing business as such, prescribing their duties and obligations, also prescribing penalties for the violation of any of the provisions of this Act.

Also: Assembly Bill No. 334—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Assembly Bill No. 339—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered.

Also: Assembly Bill No. 342—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.

Also: Assembly Bill No. 363—An Act to amend Section 12 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Also: Assembly Bill No. 368—An Act to amend Section 1918 of the Civil Code, relating to the rate of interest to be charged on loans and to add a new section to the Civil Code, to be known as and numbered 1921, relating to the recovery of overpaid interest and to add a new section to the Civil Code to be known as and numbered as 1922, relating to the collection of interest upon interest, and to repeal Section 1919 of said Civil Code.

Also: Assembly Bill No. 388—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.

Also: Assembly Bill No. 425—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Assembly Bill No. 444—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.

Also: Assembly Bill No. 450—An Act to add a new section to the Penal Code, to be known and numbered as Section 393*b*, providing a penalty on corporations for any loss of life occasioned by its negligence or the negligence of its agents or servants.

Also: Assembly Bill No. 453—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relation to practicing without a certificate.

Also: Assembly Bill No. 464—An Act to amend Section 629 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations.

Also: Assembly Bill No. 489—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.

Have had the same under consideration, and respectfully report the same back without recommendation.

JOHNSON of Sacramento, Chairman.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 22—An Act to add a new section to the Political Code of the State of California, to be known as Section 3630½, relating to assessment of solvent credits and to the penalty for refusing or neglecting to include the same in the statement to be furnished to the Assessor.

Also: Assembly Bill No. 211—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.

Also: Assembly Bill No. 577—An Act to amend Section 3627, of Chapter III, of Part III of the Political Code of the State of California, relating to how property shall be assessed.

Also: Assembly Bill No. 797—An Act to repeal an Act entitled "An Act to amend an Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provisions for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.

Also: Assembly Bill No. 856—An Act to amend Section 3627 of the Political Code of the State of California, relating to the taxation and assessment of property.

Also: Assembly Bill No. 941—An Act to amend Section 3898 of the Political Code, to make said section comply with the mandate of Section 14, Article V, of the Constitution of the State of California, in relation to grants and tax deeds.

Also: Assembly Bill No. 942—An Act to provide for the correction of deeds heretofore executed in pursuance of the Political Code, Section 3898, and void under the mandate of Article V, Section 14 of the Constitution of the State of California.

Have had the same under consideration, and respectfully report the same back without recommendation.

DEVLIN, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1033—An Act providing the conditions upon which maps outlining the subdivisions of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder.

Also: Assembly Bill No. 117—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities or towns.

Also: Assembly Bill No. 520—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and permitting municipal corporations of the sixth class to incur certain indebtedness during the first year of their existence.

Also: Assembly Bill No. 718—An Act to amend Section 3366 of the Political Code of the State of California, relating to the imposition of license taxes by boards of supervisors and legislative bodies of incorporated cities and towns.

Also: Assembly Bill No. 569—An Act to provide for the consolidation of municipal corporations.

Also: Assembly Bill No. 492—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation or otherwise, and hold and use, lands and other necessary property, for the purpose of constructing, equipping, using, maintaining, and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling, or transporting materials or supplies required in the construction or completion of any public work, improvement or utility, or for the purpose of maintaining or operating any such work, improvement, or utility.

Also: Assembly Bill No. 1013—An Act to validate the organization and incorporation of municipal corporations.

Also: Assembly Bill No. 673—An Act to amend an Act entitled "An Act to provide for the alterations of the boundaries and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory, approved March 19, 1889, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.

Also: Senate Bill No. 161—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities, and towns.

Also: Senate Bill No. 149—An Act to amend an Act entitled "An Act to authorize any city, or city and county, of this State to take its census."

Also: Senate Bill No. 22—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities, or towns.

Also: Senate Bill No. 575—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Have had the same under consideration, and respectfully report the same back without recommendation.

JURY, Chairman.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution by Mr. Johnson of Sacramento:

WHEREAS, W. L. Williams, electrician of Red Men's Hall, elected by the Assembly to serve during the session of the Legislature, who received therefor a per diem of $3; and

WHEREAS, Said per diem of $3 is a sum insufficient and disproportionate in value for such services; now be it

Resolved, That the said W. L. Williams receive the sum of $2 per day additional for such services for the period commencing with the seventh day of January, 1907, up to March 12th, 1907, both dates inclusive, said sum payable out of the Contingent Fund of the Assembly; and the State Controller is hereby directed to draw his warrant in favor of W. L. Williams for the sum of $128, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration and respectfully recommend that, as the statutory per diem of electrician is $4.00, the sum of $64.00 only be allowed, and respectfully report the same back with amendments, and recommend that the same, as amended, be adopted.

BERRY, Chairman.

Report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutten, Devlin, Drew, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, and Mr. Speaker—57.

NOES—None.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 949—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

HELD, Acting Chairman.

Senate Bill No. 949 ordered on file for second reading.

In accordance with resolution previously adopted, Senate Bill No. 949 was taken up as a matter of urgency.

SECOND READING OF BILL.

Senate Bill No. 949—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years.

Bill read second time.

Mr. Thompson of Los Angeles moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Beardslee in the chair.

Senate Bill No. 949 considered.

Mr. Thompson of Los Angeles moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 949, and do now report the same back, and recommend that it do pass.

BEARDSLEE, Chairman.

Bill read second time, considered engrossed, and ordered to third reading.

THIRD READING OF BILL.

Senate Bill No. 949—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 949 finally passed by the following vote:

AYES—Messrs. Baxter, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Costar, Cutten, Devlin, Drew, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spaulding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr Speaker—58.

NOES—Messrs. Cornish and Fisher—2.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Ways and Means begs leave to submit its final report.

Bills have been referred to this committee as follows:

Mar. 4,	Senate Bill No. 26. Identical with Assembly Bill No. 56.	
Mar. 4,	Senate Bill No. 33. Identical with Assembly Bill No. 51.	
Mar. 4,	Senate Bill No. 34. Identical with Assembly Bill No. 53.	
Mar. 4,	Senate Bill No. 36. Identical with Assembly Bill No. 55.	
Mar. 4,	Senate Bill No. 43. Identical with Assembly Bill No. 58.	
Mar. 4,	Senate Bill No. 350—An Act to pay the claim of Albert G. Lafferty	$1,000 00
Mar. 4,	Senate Bill No. 518. Identical with Assembly Bill No. 469.	
Mar. 4,	Senate Bill No. 600—An Act to create a commission on revenue and taxation, to investigate the system of revenue and taxation enforced in this State, and to formulate and regulate legislation for the revision and reform of the revenue laws	10,000 00
Mar. 4,	Assembly Bill No. 739—An Act to appropriate money to pay the claim of Ætna Life Insurance Company	2,536 76

Mar. 4, Assembly Bill No. 740—An Act to appropriate money to pay the claim of the Bankers' Life Association of Des Moines, Iowa $889 95
Mar. 4, Assembly Bill No. 741—An Act to appropriate money to pay the claim of the Germania Life Insurance Company of New York .. 1,762 79
Mar. 4, Assembly Bill No. 742—An Act to appropriate money to pay the claim of the Life Association of America 11 31
Mar. 4, Assembly Bill No. 743—An Act to appropriate money to pay the claim of the Minnesota Mutual Life Insurance Company 349 60
Mar. 4, Assembly Bill No. 744—An Act to appropriate money to pay the claim of the Northwestern National Life Insurance Company ... 222 85
Mar. 4. Assembly Bill No. 745—An Act to appropriate money to pay the claim of the New England Mutual Life Insurance Company ... 3,462 11
Mar. 4, Assembly Bill No. 746—An Act to appropriate money to pay the claim of the Prudential Insurance Company 1,531 91
Mar. 4, Assembly Bill No. 747—An Act to appropriate money to pay the claim of the Security Mutual Life Insurance Company 60 51
Mar. 5, Senate Bill No. 73—An Act making an appropriation to pay the claim of Charles J. Morf 150 00
Mar. 5, Senate Bill No. 270—An Act authorizing the Regents of the University of California to hold farmers' institutes 20,000 00
Mar. 5, Assembly Bill No. 526—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake in the Sierra Nevada Mountains 3,000 00
Mar. 6, Senate Bill No. 63—An Act to appropriate money for the establishment of a School of Forestry at the University of California 10,000 00
Mar. 6, Senate Bill No. 82—An Act to encourage the propagation of striped bass in the State of California 5,000 00
Mar. 6, Senate Bill No. 152—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River in Tuolumne County.
Mar. 6, Senate Bill No. 259—An Act appropriating money to aid in the construction of an agricultural building to be erected by the Regents of the University of California 150,000 00
Mar. 6, Senate Bill No. 531—An Act to provide for the improvement of the public highways.
Mar. 6, Senate Bill No. 740. Identical with Assembly Bill No. 826.
Mar. 6, Senate Bill No. 806—An Act to pay the claim of John E. Toler 1,500 00
Mar. 7, Senate Bill No. 195—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905 .. 40,000 00
Mar. 7, Senate Bill No. 567. Identical with Assembly Bill No 789.
Mar. 7, Senate Bill No. 293. Identical with Assembly Bill No. 974.
Mar. 8, Senate Bill No. 873—An Act making an appropriation to pay the deficiencies in the appropriation for the maintenance of the Mono and Sonora road 800 00
Mar. 8, Senate Bill No. 61. Identical with Assembly Bill No. 145.
Mar. 8, Senate Bill No. 539—An Act making an appropriation to pay the claim of Southern Construction Company for the grading of Campus Avenue at the State Normal School at San Diego 915 00
Mar. 8, Senate Bill No. 699—An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State 30,000 00
Mar. 8, Senate Bill No. 879—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168.
Mar. 8, Senate Bill No. 940—An Act to authorize, empower and direct the Governor of the State of California to employ counsel, agents, and attorneys for the purpose of prosecuting, collecting and recovering the claims of the State of California against the United States of America.
Mar. 8, Senate Bill No. 944—An Act making an appropriation for the purchase of a site and the erection thereon of suitable buildings for an intermediate prison, and providing for a commission to purchase said site 250,000 00
Mar. 9, Senate Bill No. 885—An Act making an appropriation for the purchase and installment of improved materials and machinery, and improvements for the State Printing Office and Bindery 27,000 00
Mar. 9, Senate Bill No. 937—An Act authorizing and empowering the State Board of Harbor Commissioners to construct artesian wells along the water front in the City and County of San Francisco 25,000 00
Mar. 10, Senate Bill No. 945—An Act making an appropriation to pay the claim of George H. P. Shaw 300 00
Mar. 10, Senate Bill No. 946—An Act making an appropriation to pay the claim of George H. P. Shaw 300 00
Mar. 10, Senate Bill No. 108—An Act to provide for the purchasing of a site and building, equipping and furnishing of an armory to be used for the National Guard in the City of Los Angeles 200,000 00

Mar. 11, Senate Bill No. 109—An Act to appropriate money to pay the claim of Harve O. Waterman $1,500 00

Mar. 11, Senate Bill No. 343—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals, or produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products." 20,000 00

Mar. 11, Senate Bill No. 949—An Act to make an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the fifty-seventh and fifty-eighth fiscal years ... 10,000 00

ESTUDILLO, Chairman.

Report ordered printed in the Journal.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 471—An Act providing for the extermination of the Boophilus annulatus tick, defining certain crimes, and providing for certain civil and criminal actions—have had the same under consideration, and respectfully report the same back and recommend that the author be allowed to withdraw the same.

STROBRIDGE, Chairman.

ON COUNTIES AND COUNTY BOUNDARIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 487—An Act to amend Section 3909 of the Political Code, relative to the boundary line of Del Norte County.

Also: Assembly Bill No. 603—An Act to definitely establish and permanently locate the western boundary line of the County of Glenn.

Also: Assembly Bill No. 754—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, and the Act amendatory thereof, approved March 11, 1887, by changing the division line between said County of San Benito and Monterey County, so as to include in said San Benito County a part of said Monterey County, and in said Monterey County a part of said San Benito County.

Have had the same under consideration, and respectfully report the same back without recommendation.

McGUIRE, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 4—Amending Constitution relative to the division of the State into fish and game districts.

Also: Assembly Constitutional Amendment No. 6—Proposed amendment to Article IX of the Constitution, relative to the appointment of a State Board of Education.

Also: Assembly Constitutional Amendment No. 20—An amendment to Article XIII of the Constitution, to propose to the people of the State of California the repeal of Section 12 of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.

Also: Assembly Constitutional Amendment No. 21—An amendment to Article XIII of the Constitution, as follows: A resolution to propose an amendment to the Constitution of the State of California, amending Section 10½ of Article XIII, providing that the personal property of every householder to the amount of $200, the articles to be selected by each householder, shall be exempt from taxation.

Also: Assembly Constitutional Amendment No. 25—A resolution to propose to the people of California amending Sections 2 and 23 of Article IV of the Constitution.

Have had the same under consideration, and respectfully report the same back without recommendation.

WESKE, Chairman.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Senate Bill No. 310—An Act to amend Sections 204, 205, 206 and 241 of the Code of Civil Procedure, relating to jurors for courts of record.

Also: Senate Bill No. 422—An Act to amend Section 117 of the Penal Code of California, relating to the discharge of a jury where the facts do not constitute an offense and an amendment of the indictment or information without the discharge of the jury in certain cases.

Also: Senate Bill No. 796—An Act to amend Section 2349 of the Political Code and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.

Also: Senate Bill No. 356—An Act to amend Section 687 of the Penal Code of California, relating to prosecutions for the same offense after prior conviction or acquittal in criminal actions.

Have had the same under consideration, and respectfully report the same back and recommend that the same do not pass as amended.

WYATT, Chairman.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 920—An Act to add a new section to the Political Code, to be numbered Section 1361*a*, and to amend Section 1367 of the Political Code, in relation to primary elections.

Also: Assembly Bill No. 805—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain Acts and privileges in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Also: Assembly Bill No. 599—An Act to amend Section 1197 of the Political Code, so as to require the separate marking of each candidate voted for at elections.

Also: Assembly Bill No. 574—An Act repealing an Act entitled "An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Have had the same under consideration, and respectfully report the same back without recommendation.

STETSON, Chairman.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 9—An Act to amend Section 321 of the Penal Code of the State of California, relating to punishment for the selling of lottery tickets.

Also: Assembly Bill No. 245—An Act to prevent the sale by minors under the age of eighteen years of any paper, newspaper, pamphlet, or periodical in which any race, horse race, prizefight, cockfight, or drawing in any lottery is advertised; and to prevent the sale to any minor under the age of eighteen years of any paper, newspaper, pamphlet, or periodical in which any race, horse race, prizefight, cockfight, or drawing in any lottery is advertised.

Also: Assembly Bill No. 243—An Act to prevent any minor under the age of eighteen years visiting any race, race track, race course, prizefight, cockfight, or place where any race, prizefight, or cockfight is advertised or represented to take place, and to provide a punishment therefor.

Also: Assembly Bill No. 645—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 310 of said Code.

Have had the same under consideration, and respectfully report the same back without recommendation.

BECKETT, Chairman.

RESOLUTION.

The following resolution was submitted:

By Mr. Transue:

Resolved, That W. H. Wright, E. W. Jones, Harry E. Miller, H. M. Harford, Arthur Machen, H. A. Harper, Robert McKnight, J. W. Summerfield, S. N. Marsh, and J. P. Spaulding be and are hereby authorized and directed to remain after the close of the thirty-seventh session of the Legislature for the purpose of assisting the Chief Clerk of the Legislature in correcting and approving the Assembly register of the Assembly and Senate action on Assembly bills; to compile, compare, and have printed, in connection with the Secretary of the Senate, a final calendar of all legislative business of both the Senate and Assembly of the thirty-seventh session of the Legislature, such as is usually issued by the Legislature. The parties above named are allowed the amounts set opposite their respective names, as follows: W. H. Wright, one hundred and seventy-five dollars; H. A. Harper, one hundred and seventy-five dollars; E. W. Jones, one hundred and seventy-five dollars; Harry E. Miller, Robert McKnight, H. M. Harford, and Arthur Machen, one hundred and twenty-five dollars; S. N. Marsh, seventy-five dollars. And the State Controller is hereby directed to draw his warrants in favor of said persons in the said respective sums against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolved, That Committee Clerk C. Paskcher and Bookkeeper J. H. Anderson of the Ways and Means Committee, and Committee Clerk Z. F. Wharton of the Judiciary Committee, respectively, be each allowed the sum of one hundred dollars as payment for additional services to be rendered the thirty-seventh session of the

California Legislature, and for the completion of all unfinished clerical work of said committees after the adjournment of said Legislature; and the Controller is hereby directed to draw his warrant against the Contingent Fund of the Assembly in said amounts in favor of said C. Paskcher, J. H. Anderson, and Z. F. Wharton, and the State Treasurer is directed to pay said warrants.

Resolved, That William Evans be allowed the sum of twenty dollars, as payment for services to be rendered the Ways and Means Committee, and the Controller is hereby directed to draw his warrant against the Contingent Fund of the Assembly for said amount, and the Treasurer is hereby directed to pay the same.

Resolved, That Mrs. E. E. Curtis, Stenographer for the Judiciary Committee; Grove J. Fink, Stenographer, and Miss Dona R. Hall, Assistant Committee Clerk, of the Judiciary Committee, be and they are hereby authorized and directed to remain after the close of the session for the purpose of closing up the business of the Judiciary Committee, finishing up the clerical business of said committee, and examining all bills and reports remaining in the hands of said committee, and that the parties above named be and they are hereby allowed for said services the sums hereinafter set opposite their respective names, viz: Mrs. E. E. Curtis, seventy-five dollars; Miss Dona R. Hall, fifty dollars, and Grove J. Fink, fifty dollars. And the Controller is hereby directed to draw his warrant against the Contingent Fund of the Assembly in favor of said Mrs. E. E. Curtis for said seventy-five dollars, and in favor of said Miss Dona R. Hall for the sum of fifty dollars, and in favor of Grove J. Fink for said sum of fifty dollars, and the State Treasurer is hereby directed to pay said warrants out of said fund.

Resolved, That the sum of two hundred dollars is hereby appropriated from the Contingent Fund of the Assembly, being in payment for telegraphing, telephoning, expressage, postage, hack hire (call of the House), etc. The State Controller is hereby directed to draw his warrant in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the above amount, two hundred dollars, and the State Treasurer is hereby authorized and directed to pay the same.

Resolved, That Ed. J. Smith and George P. Berry, History Clerks, be and they are hereby authorized and directed to remain after the close of the thirty-seventh session of the California Legislature for the purpose of assisting the Chief Clerk in compiling, comparing, and having printed the final calendar of all legislative actions of the Assembly and in doing other work devolving upon them as History Clerks of the Assembly, and that Ed. J. Smith be allowed the sum of one hundred and twenty-five dollars, and George P. Berry the sum of one hundred dollars, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant in payment thereof, and the State Treasurer is hereby authorized and directed to pay the same.

Resolved, That M. T. Herzog, Bill Clerk, F. L. Whitney and Ed. Little, Bill Filers, be and they are hereby authorized and directed to remain after the close of the thirty-seventh session of the California Legislature, to assist the Sergeant-at-Arms and the Chief Clerk of the Assembly in completing the work devolving upon them after the adjournment of the session, and that each be allowed the sum of fifty dollars; and the State Controller is hereby directed to draw his warrant in favor of said persons in the said sums against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolved, That Pauline Smith, Postmistress, and Miss E. Brill, First Assistant Postmistress, and H. M. Sitton, Mail Carrier, be and they are hereby directed to remain one week after the final adjournment of the Assembly for the purpose of caring for the mail and sending the same to members and others, and that they be allowed their regular per diem therefor, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant in payment of same, and the State Treasurer is hereby authorized and directed to pay the same.

Resolved, That W. A. Price, Engrossing and Enrolling Clerk of the Assembly, and William Nye, W. N. Speegle, R. J. Kenefick and Chas. Milne, his assistants, be and they are hereby employed after the final adjournment for the purpose of completing the work of that department and delivering the books and registers into the hands of the Secretary of State, and that W. A. Price be allowed the sum of one hundred and twenty-five dollars, and William Nye, W. N. Speegle and R. J. Kenefick be each allowed the sum of seventy-five dollars, that Chas. Milne be allowed the sum of fifty dollars payable out of the Contingent Fund of the Assembly. And the Controller is hereby directed to draw his warrant for said amounts in favor of the above-named persons, and the Treasurer is hereby directed to pay the same.

Resolved, That R. L. Dempsey, Journal Clerk of the Assembly, and his assistants, J. F. R. Arellanes and R. G. Stitt, be and they are hereby employed after the final adjournment for the purpose of completing the work devolving upon them in comparing and delivering the corrected and approved Journals and the five bound copies of the same (as required by law), to the Chief Clerk of the Assembly when completed, and that R. L. Dempsey, Journal Clerk, be allowed one hundred and seventy-five dollars, and J. F. R. Arellanes and R. G. Stitt be allowed seventy-five dollars each from and after the final adjournment of the thirty-seventh session of the Legislature, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant for the same in favor of the above-named persons, and the Treasurer is hereby directed to pay the same.

Resolved, That the Sergeant-at-Arms be and he is hereby directed to stay, and to retain two Assistant Sergeants-at-Arms, four Porters, and four Watchmen for one week after adjournment, for the purpose of storing all the furniture belonging to the Assembly Chamber, and for the use of the different committees; also to clear the Assembly Chamber and committee rooms; and the State Controller is hereby directed and authorized to draw his warrant in favor of J. T. Stafford for five hundred and fifty dollars, and the Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly.

Resolved, That C. W. Haub, Bookkeeper to the Sergeant-at-Arms, be allowed the sum of two hundred dollars as payment for services rendered the Assembly and for the purpose of completing the work devolving upon said bookkeeper after the close of the session; and the Controller is hereby directed to draw his warrant out of the Contingent Fund of the Assembly for said amount in favor of said C. W. Haub, and the State Treasurer is hereby directed to pay the same.

Resolved, That Ben Cohn, Chief Assistant Sergeant-at-Arms, is allowed the sum of one hundred and fifty dollars, and J. B. Bailey and John Koford, Assistant Sergeants-at-Arms, the sum of fifty dollars each, for services to be performed after the adjournment of the Legislature; and the State Controller is hereby directed to draw his warrant in favor of said Ben Cohn, J. B. Bailey, and John Koford for said sums respectively against the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolved, That W. C. Guirey and George W. Edwards be and they are hereby authorized and directed to remain after the adjournment of the Assembly and assist the Chief Clerk in the performance of his duties, and the Controller is hereby authorized and directed to immediately draw his warrant for one hundred and twenty-five dollars in favor of W. C. Guirey, and also draw his warrant in favor of George W. Edwards for one hundred and twenty-five dollars, payable out of the fund for the contingent expenses of the Assembly, and the State Treasurer is hereby directed to pay the same.

Resolved, That Frank L. Gafney, Chief Stenographer, and Ralph A. Sollars, Stenographer, be and they are hereby authorized and directed to remain after the adjournment of the Assembly and assist the Chief Clerk in the performance of his duties; and that the said Frank L. Gafney be allowed the sum of one hundred dollars, and the said Ralph A. Sollars be allowed the sum of ninety dollars for services to be performed after the adjournment of the Legislature; and the State Controller is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of said Frank L. Gafney and said Ralph A. Sollars for the said sums respectively, and the State Treasurer is hereby directed to pay the same.

Resolved, That Louisa A. Toon, Stenographer to the Speaker, and Mahlon Waldren, Page to the Speaker, be and they are hereby authorized and directed to remain after the adjournment of the Assembly to assist the Speaker, and that the said Louisa A. Toon be allowed the sum of fifty dollars, and the said Mahlon Waldren be allowed the sum of twenty dollars as payment for services to be rendered as aforesaid; and the State Controller is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly in favor of said Louisa A. Toon and Mahlon Waldren for the said sums respectively, and the State Treasurer is hereby directed to pay the same.

Resolution read and, on motion, refused adoption.

REPORT TAKEN UP FOR CONSIDERATION.

On motion of Mr. Held, the following report of the Committee on Ways and Means was taken up for consideration:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1907.

MR. SPEAKER: Your Committee on Ways and Means, having had under consideration the matter of the employment of attachés who will conclude the work of the Assembly of the thirty-seventh session of the Legislature, respectfully recommend the adoption of the following substitute resolution in lieu of the resolution offered by this committee on the 9th day of March, 1907:

Resolved, That the following named persons be and they are hereby employed to conclude the work of the Assembly of the thirty-seventh session of the Legislature at the rate of compensation set opposite their respective names: C. W. Haub, Bookkeeper to the Sergeant-at-Arms, fifty dollars; H. A. Harper, Assistant Minute Clerk, fifty dollars; R. L. Dempsey, Journal Clerk, fifty dollars; Wm. A. Price, Engrossing and Enrolling Clerk, fifty dollars; W. C. Guirey, File Clerk, fifty dollars; C. Packscher, Clerk of Ways and Means Committee, fifty dollars; J. H. Anderson, Bookkeeper of Ways and Means Committee, fifty dollars; Mrs. Agnes Purnell, Stenographer to Ways and Means Committee, fifty dollars; F. G. Hildebrand, Sergeant-at-Arms to Ways and Means Committee, twenty-five dollars; Z. F. Wharton, Secretary of Judiciary Committee, fifty dollars; Mrs. E. E. Curtis, Stenographer of the Judiciary Committee, fifty dollars; Dona R. Hall, Assistant

Stenographer to the Judiciary Committee, fifty dollars; W. N. Speegle, Assistant Engrossing and Enrolling Clerk, fifty dollars; R. J. Kenefick, Assistant Engrossing and Enrolling Clerk, fifty dollars; W. H. Wright, Assistant Clerk, fifty dollars; H. M. Harford, Assistant Clerk, fifty dollars; Robert McKnight, Assistant Minute Clerk, fifty dollars; Wm. Evans, Assistant Stenographer to Ways and Means Committee, fifteen dollars; Geo. W. Edwards, Assistant File Clerk, fifty dollars.

The said sums aforesaid are hereby made payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant for the same in favor of the above named persons, and the Treasurer is directed to pay the same.

Resolved, That the sum of two hundred dollars is hereby appropriated from the Contingent Fund of the Assembly, being in payment for telegraphing, telephoning, expressage, postage, hack hire (call of the House), etc. The State Controller is hereby directed to draw his warrant in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the above amount, two hundred dollars, and the State Treasurer is hereby directed to pay the same.

Resolved, That the Sergeant-at-Arms be, and he is hereby directed to stay, and retain one Assistant Sergeant-at-Arms, four Porters and four Watchmen for one week after adjournment of the Assembly of the thirty-seventh session of the Legislature, for the purpose of storing all the furniture belonging to the Assembly Chamber and used by the different committees; also to clear the Assembly Chamber, and committee rooms; and the State Controller is hereby directed and authorized to draw his warrant in favor of J. T. Stafford for five hundred and fifty dollars, and the Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly.

ESTUDILLO, Chairman.

Report and resolution read.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Barry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Forbes, Fratessa, Hartmann, Held, Hewitt, Higgins, John, Johnson of San Diego, Jury, Kohlman, Lucas, Ludington, McClellan, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Snyder, Spaulding, Stetson, Strohl, Strobridge, Toomey, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—52.

NOES—Messrs. Berry, Campbell, Johnson of Sacramento, Leeds, Lynch, Sackett, Smith, Stanton, Thompson of Los Angeles, Transue, and Wessling—11.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 21—Relative to work done by the Outdoor Art League or the Five Per Centum Bill.

Assembly Bill No. 892—An Act appropriating money to pay the District Court of Appeal for the Third Appellate District of the State of California, and to provide for the maintenance of a law library for said Court; also, to pay for furnishing and equipping the chambers, court room, clerk's and stenographer's rooms and the library.

Assembly Bill No. 880—An Act making an appropriation to repay to Thomas Bair moneys paid by him into the county treasury of Humbolt County for lands purchased by him under location 1223.

Assembly Bill No. 749—An Act to amend an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employés of State institutions," approved March 19, 1903.

Assembly Bill No. 974—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.

Assembly Bill No. 589—An Act to add a new article to Chapter III of Part III of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.

Assembly Bill No. 150—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230*a*, relating to selecting and summoning jurors for courts not of record in incorporated cities having a population of more than fifteen thousand.

Assembly Bill No. 522—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions and providing a penalty for the violation thereof."

Assembly Bill No. 709—An Act to regulate the building and occupancy of tenement houses in incorporated cities and to provide penalties for the violation thereof.

Assembly Bill No. 916—An Act to amend section sixteen (16) of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violation of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof.

Assembly Bill No. 860—An Act to amend Section 590 of the Penal Code, and to add a new section to said Code, to be numbered Section 590*a*, relating to the removal, injury, destruction, breaking or defacing of mile boards, posts or stones, or guide posts on or near highways; to the punishment thereof and to the disposition of fines collected therefor.

Assembly Bill No. 651—An Act making an appropriation of $5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation and traveling expenses.

Assembly Bill No. 991—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, canyon or wash extending by, through or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way and other property by purchase, gift or condemnation, and for extending, straightening, locating, improving and maintaining the channels of such streams, water courses, canyons, or washes, and confining said waters in said channels and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907.

Assembly Bill No. 758—An Act to amend Section 290 of the Civil Code relating to the contents of articles of incorporation of corporations.

Assembly Bill No. 868—An Act to amend Section 1240 of the Code of Civil Procedure specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.

Assembly Bill No. 924—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth, and for the fifty-ninth and sixtieth fiscal years.

Assembly Bill No. 353—An Act to amend Section 2 of an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895, so as to provide for the cost of maintenance of certain persons committed for certain offenses.

Assembly Bill No. 438—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement or notice, except such as required by law, without having first obtained the consent of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed printed, painted, stuck, posted or otherwise affixed upon any fence, structure, pole, rock or other object, in violation thereof.

Assembly Bill No. 1024—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of vine pathology and vine diseases, and making an appropriation therefor.

Assembly Bill No. 1021—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.

Assembly Bill No. 350—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals.

And were presented to the Governor March 12, 1907, at ten o'clock A. M.

HANS, Chairman.

RESOLUTIONS.

The following resolutions were submitted:

By Mr. Hans:

WHEREAS, The work of engrossing and enrolling is one of the most important parts of the legislation enacted by this Assembly; and

WHEREAS, That part of the work has been done in a prompt and satisfactory manner, and without one single instance of complaint; therefore, be it

Resolved, That the thanks of this Assembly be hereby voted to W. A. Price, Chief Engrossing Clerk; Will N. Speegle and R. J. Kenefick, Assistant Engrossing Clerks, for the efficient manner in which they have performed their services.

Resolution read and, on motion, adopted.

By Mr. Hans:

WHEREAS, The Hon. John M. Eshleman, a member of this Assembly, has for a number of weeks been confined to his bed by illness, and thus been deprived of participation in its deliberations; therefore, be it

Resolved, That this Assembly hereby expresses its regret at having been deprived of his association, and extends its sincere wishes for his speedy recovery.

Resolution read and, on motion, adopted.

By Mr. Stetson:

Resolved, That we recognize in our Chaplain, Rev. P. H. Willis, a sincere and courteous gentleman of high character, whose words have been inspiring, whose influence elevating and whose contact with us shall ever be the basis of pleasant and kindly remembrance.

Resolved further, That a copy of this resolution properly engrossed be tendered him as an evidence of our esteem.

Resolution read and, on motion, adopted.

By Mr. Transue:

Resolved, That H. A. Harper, Acting Minute Clerk of the Assembly, be and he is hereby placed under the provisions of Sections 261 and 269 of the Political Code, relating to the assistants to remain after the adjournment of the Assembly to assist the Chief Clerk in completing the work of the Assembly.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Messrs. Beckett, Bell, Berry, Birdsall, Boyle, Bush, Coghlan, Cornish, Cullen, Fisher, Fratessa, Hammon, Hans, Hartmann, Johnson of Sacramento, Jury, Kelly, Leeds, Lynch, McConnell, McGuire, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Thompson of Los Angeles, Transue, Wessling, and Mr. Speaker—33.

NOES—Messrs. Barry, Bishop, Butler, Campbell, Case, Chandler, Cogswell, Costar, Cutten, Devlin, Drew, Finney, Held, Hewitt, Higgins, John, Johnson of San Diego, Kohlman, Lemon, Lucas, Ludington, McClellan, McMullin, Otis, Smith, Spaulding, Stetson, Strohl, Strobridge, Walsh, Weske, Whitmore, Wilson, and Wyatt—34.

By Mr. Jury:

Resolved, That the thanks of this Assembly be tendered Mr. Thomas G. Walker for the able and efficient manner in which he has conducted the work at the desk of the California Legislature—thirty-seventh session.

Resolution read and, on motion, adopted.

SENATE MESSAGE.

The following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day refused to recede from its amendments to Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State—and have appointed as a committee on conference Senators Wolfe, Leavitt, and Belshaw to meet a like committee, to be appointed by the Assembly.

LEWIS A. HILBORN, Secretary of Senate.
By O. A. FOSTER, Assistant Secretary.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of the following Committee on Conference to meet a like committee from the Senate to consider Assembly Bill No. 361: Messrs. Transue, Pierce, and Devlin.

APPOINTMENT OF ADVISORY COMMITTEES TO THE GOVERNOR ON CONCURRENT RESOLUTIONS.

The Speaker announced the appointment of the following Advisory Committees to the Governor:

On Senate Concurrent Resolution No. 3—
Resolution relative to the appointment of committees to investigate and report upon the condition of the harbors of the State.
Messrs. Strohl, Leeds, and Johnson of San Diego.

On Senate Concurrent Resolution No. 15—
Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.
Messrs. Whitmore, Bishop, and Butler.

On State Printing:
Resolved, That the Speaker of the Assembly be and he is hereby authorized and empowered to appoint a committee of five members to examine into and report upon all matters in any way connected with or pertaining to the management and conduct generally by the Superintendent of State Printing of the business and affairs of the State Printing Office; also to examine into and report upon the methods pursued by said State Printer in the purchase of supplies, equipment, and all necessary materials, with a view to ascertain whether or not in the furnishing of such supplies and equipment the best interests of the State are subserved, to the end that the Department of State Printing will be enabled to furnish supplies of printing, binding, ruling, etc., to the various departments of the State at a reasonable compensation, and at figures which will compare favorably with the charges made for like work by private institutions.

Resolved, That the said committee be, and it hereby is authorized and empowered to do any and all things necessary to have a full and complete investigation of the matters hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance; to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony. Members of said committee are, and each of them is, hereby authorized to administer oaths; and all the provisions of Article VIII of Chapter II, Title I and Part III of the Political Code of this State relative to the "attendance and examination of witnesses before the Legislature and committees thereof," applies to the committee appointed under this resolution, and the Sergeant-at-Arms of the Assembly is hereby authorized and directed to serve any and all subpœnas and orders, or other process, that may be issued by the chairman of the said committee when directed to do so by the chairman.

And be it further resolved, That said committee report the result of its investigations and recommendations to the thirty-eighth session of the California Legislature; and that the said committee shall also report to the Governor of the State of California the result of its investigations and recommendations immediately upon the completion of its labors; and there is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of $500 to pay the charges and costs to be incurred by the said committee to be appointed hereunder for clerical and other assistance and for fees of witnesses attending said investigation, and for other expenses connected with said investigation aside from the personal expenses of the members of said committee, and the Controller is hereby directed to draw his warrant for $500 in favor of the chairman of said committee, when appointed, and the Treasurer is hereby directed to pay the same for said purposes.
Messrs. Estudillo, Thompson of Los Angeles, Jury, Root, and Beckett.

On Assembly Constitutional Amendment No. 7—
Relative to county and township offices.
Mr. Root.

On Assembly Constitutional Amendment No. 8—
Amending Constitution relative to primary elections.
Messrs. Hewitt and Drew.

On Assembly Constitutional Amendment No. 8—
Resolution to amend Section 6 of Article IX of the Constitution of California.
Messrs. Thompson of Los Angeles and Drew.

On Assembly Constitutional Amendment No. 24—
A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education.
Mr. Devlin.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 11, 1907.

To the Assembly of the State of California:

I have the honor to return to your honorable body, without my approval Assembly Bill No. 586—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment, and present the following reasons therefor:

The purpose of this Act is to make the crime of robbery when committed in the night-time, or by means of a deadly weapon on other means likely to produce great bodily injury, punishable by death.

In all cases of robbery committed in the night-time or by the means mentioned in the proposed legislation, there is usually but one witness to the particular crime. That witness is the person upon whom the offense has been committed. As long as that witness lives, the person committing the offense knows that his life is in jeopardy. Under the proposed legislation, should he kill that witness he would suffer no greater penalty for such murder than for the mere commission of the robbery. The natural result would be that whenever a robbery is committed under such circumstances, the first and natural impulse of the robber would be to remove from existence the person upon whose testimony the conviction must rest. In other words, the safety of the robber from punishment depends upon his killing his victim, and I am inclined to the belief that were a law of this kind enacted, that while it would have a certain influence in deterring people from the commission of robbery, yet whenever such robbery was committed it would be almost invariably accompanied by the death of the person robbed.

The idea that I am attempting to maintain in this message has been upheld by the history of penal legislation at all times, and in this connection I can not do better than to quote to you an extract from Blackstone's Commentaries, volume 4, page 18, which illustrates the idea very fully. It is as follows:

"Where men see no distinction made in the nature and gradations of punishment the generality will be led to conclude that there is no distinction in the guilt. Thus, in France, the punishment of robbery, either with or without murder, is the same; hence it is, that though perhaps they are therefore subject to fewer robberies, yet they never rob but they also murder. In China, murderers are cut to pieces, and robbers not; hence in that country they never murder on the highway, though they often rob. And in England, besides the additional terrors of a speedy execution and a subsequent exposure to dissection, robbers have a hope of transportation which seldom is extended to murderers. This has the same effect here as in China, in preventing frequent assassination and slaughter."

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 11, 1907.

To the Assembly of the State of California:

I have the honor to return to your honorable body, without my approval, Assembly Bill No. 462—An Act to amend Section 443 of the Political Code, relative to State school tax.

The purpose of this bill is to raise $440,917 per year or $881,834 for the next two fiscal years, to be used in the payment of teachers' salaries. It is claimed that the salaries paid to teachers is too low, and perhaps this is true, but it seems to me that there are other ways to meet this difficulty without increasing the amount which is now raised annually by the State for that purpose. A law has already been enacted this session providing that all State money and not less than sixty per cent of the county money shall be applied exclusively to the payment of teachers' salaries of the primary and grammar schools.

This should give some relief in increasing salaries. Then, again, it seems to me that the Board of Supervisors of each county should, under Sections 1817 and 1818 of the Political Code, levy a tax sufficient to pay, with such aid as the State gives, reasonable salaries to their teachers. Section 1818 authorizes them to levy a tax to be known as the county school tax, the maximum rate of which must not exceed fifty cents on each one hundred dollars of taxable property. The average county rate throughout the State for the year 1906 was 26 cents on the hundred dollars—just a little more than one half of the amount which, under the law, the Boards of Supervisors are authorized to levy.

Now, if the State should appropriate about $500,000 more than the present law provides for, what assurances have we that the Boards of Supervisors of the several counties of the State will not take advantage of it, and reduce the tax levy in their respective counties? This they can readily do, and perhaps will do, if they are of the opinion that the salaries being paid to their teachers are sufficient, and if they are of the opinion that the salaries paid are too low, then there is no reason why they should not increase the tax levy.

I am of the opinion that the proper place to look for an increase of salaries is from the counties where the teachers are employed and not wholly from the State.

Then, again, we find this year that the State is called upon to meet many necessary demands. If Assembly Bill No. 462 becomes a law and we increase the salaries asked for by the different offices, commissions and institutions in our State, we will have to increase our general appropriation bill about $1,200,000. This is a large sum for the increase of salaries and wages alone, and I can not see my way clear in looking after the interests of the taxpayers of the State to allow the same, especially while we are carrying the burdens we are now.

Therefore I deem it my duty at this time to veto Assembly Bill No. 462.

J. N. GILLETT,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 12, 1907.

To the Assembly of the State of California:

I have the honor to inform your honorable body that I have approved Assembly Bill No. 402—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.

Also: Assembly Bill No. 541—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.

Also: Assembly Bill No. 5—An Act to amend Article IV of the Code of Civil Procedure of the State of California, relating to the manner of taking depositions out of the State, by adding a new section thereto, to be known as Section 2029.

Also: Assembly Bill No. 567—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.

Also: Assembly Bill No. 570—An Act to amend Section 1 of an Act entitled an Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.

Also: Assembly Bill No. 508—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.

Also: Assembly Bill No. 348—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Also: Assembly Bill No. 40—An Act to prevent the waste and flow of water from artesian wells, and prescribing penalties therefor, and defining waste and artesian wells.

Also: Assembly Bill No. 456—An Act to repeal Article XVI of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.

Also: Assembly Bill No. 12—An Act appropriating money for advertising and exploiting the State Fair.

Also: Assembly Bill No. 296—An Act to provide for laying a cement sidewalk on California Street, along property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 295—An Act to provide for repairing the plumbing, installing new bathtubs and toilets and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor and to authorize the expenditure of the same.

Also: Assembly Bill No. 294—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.

Also: Assembly Bill No. 235—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 67—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriations therefor.

Also: Assembly Bill No. 43—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.

Also: Assembly Bill No. 153—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.

Also: Assembly Bill No. 154—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.

Also: Assembly Bill No. 155—An Act appropriating money to pay the increased salaries of Justices of the Supreme Court for the current fiscal year.

Also: Assembly Bill No. 322—An Act making an appropriation of $1,000 to be used by the Board of Trustees of the Whittier State School at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.

Also: Assembly Bill No. 417—An Act to appropriate money for the deficiency in the appropriation of the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.

Also: Assembly Bill No. 486—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.

Also: Assembly Bill No. 624—An Act making an appropriation of $500 for the purpose of repairing and preserving the James Marshall monument at Coloma, and for the care and improvement of the grounds around said monument.

Also: Assembly Bill No. 623—An Act making an appropriation of $250 for the purchase of a certain spring of water near the James Marshall monument at Coloma, and for piping the water to the grounds surrounding said monument.

Also: Assembly Bill No. 712—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Also: Assembly Bill No. 79—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers and dependent daughters and sisters of Union Veterans who served honorably during the Civil War, at the Womans' Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 850—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 847—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.

Also: Assembly Bill No. 626—An Act appropriating money for the purchase of books for the library of the Whittier State School.

Also: Assembly Bill No. 145—An Act to provide for making repairs, and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.

Also: Assembly Bill No. 638—An Act authorizing the Board of Sutter Fort Trustees to improve a certain street in the City of Sacramento, to wit: Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.

Also: Assembly Bill No. 390—An Act to provide for experimental work in tobacco culture in the State of California and making an appropriation therefor.

Also: Assembly Bill No. 838—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Alaska-Yukon-Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.

Also: Assembly Bill No. 931—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes at the Southern California State Hospital, and to make appropriations for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.

Also: Assembly Bill No. 383—An Act to amend the Civil Code, by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons.

Also: Assembly Bill No. 493—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.

Also: Assembly Bill No. 800—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.

Also: Assembly Bill No. 672—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also: Assembly Bill No. 11—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.

Also: Assembly Bill No. 976—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.

Also: Assembly Bill No. 517—An Act to provide for permanently draining Lake Earl, in Del Norte County, and making an appropriation therefor.

Also: Assembly Bill No. 748—An Act making an appropriation of $2,900 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue, in Berkeley, along the northern boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.

Also: Assembly Bill No. 51—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 846—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 58—An Act to provide for certain necessary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 55—An Act making an appropriation for certain necessary improvements at the Veterans' Home of California located at Yountville, Napa County.

Also: Assembly Bill No. 414—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.

Also: Assembly Bill No. 145—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.

Also: Assembly Bill No. 825—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools and other State institutions for the remainder of the fifty-eighth fiscal year.

Also: Assembly Bill No. 779—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee, by the State Board of Examiners, and to appropriate money therefor.

J. N. GILLETT,
Governor of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 12, 1907.

To the Assembly of the State of California:

I have the honor to present to your honorable body that yesterday I forwarded to the President of the United States a telegram of which the following is a copy:

"SACRAMENTO, March 11, 1907.

"*Hon. Theodore Roosevelt, President of the United States, Washington, D. C.*

"A bill is now pending in our Legislature to submit to the voters two years from now the question as to whether or not Japanese labor shall be excluded from this country. Will the passage of this bill interfere with any of your plans or make it more difficult for you to accomplish what you have undertaken to do in the way of Japanese exclusion? Please answer at once, as our Legislature is desirous of knowing concerning it.

"JAMES N. GILLETT,
"Governor of California."

In reply to this telegram I received from the President the following message:

"THE WHITE HOUSE, WASHINGTON, D. C., March 12, 1907.

"*Hon. James N. Gillett, Governor of California:*

"I thank you for your kind and prompt attention to my request. Passage of a bill for submission to voters of California whether Japanese laborers shall be excluded would interfere with my plans and make it more difficult for me to accomplish through the National Government what I am trying to do in the way of Japanese labor exclusion. The assumption of power by the voters of California to settle this question, if assented to by the National Government, would immediately end all my negotiations with Japan for friendly adjustment, because to negotiate a settlement we must have power to settle, while on the other hand California can not negotiate a treaty under the Constitution. It is, however, perfectly clear that under the Constitution only the National Government can settle the question of exclusion and such vote of California as is proposed would have to be treated as entirely nugatory while it would probably be regarded by those opposed to exclusion as a threat to ignore the constitutional power of the United States and exclude Japanese in defiance of their treaty to come in. I earnestly deprecate the passage of any legislation affecting the Japanese. The National Government now has the matter in hand and can in all human probability secure the results that California desires, while at the same time preserving unbroken the friendly relations between the United States and Japan. I have the interests of California most deeply at heart. I shall strive to accomplish for California as for every other State or section of this country everything that can conserve its honor and its interest. Any such action as that you mention would merely hamper the National Government in the effort to secure for California what only the National Government can secure.

"THEODORE ROOSEVELT."

I understand it is not the intention of the Legislature to pass at this session any measure whatever affecting the Japanese. I believe this to be excellent judgment on the part of the Legislature, because to do so, as suggested by the President, might interfere with and hamper the National Government in making proper treaties with Japan and bringing about the result which California desires, to wit, Japanese exclusion.

I forward this message of the President to you, because I desire that you shall know before adjourning the views entertained by him at this time upon this all-important question.

J. N. GILLETT,
Governor of California.

RESOLUTIONS.

The following resolutions were submitted:

By Mr. Drew:

Resolved, That the Speaker appoint a committee of three to wait upon His Excellency James N. Gillett, and inform him that the Assembly is ready to adjourn, and awaits his further pleasure.

Resolution read and, on motion, adopted.

APPOINTMENT OF COMMITTEE TO WAIT ON GOVERNOR.

The Speaker announced the appointment of the following committee to wait upon the Governor: Messrs. Drew, Johnson of Sacramento, and McConnell.

RESOLUTIONS—(RESUMED).

By Mr. Cutten:

Resolved, That a committee of three be appointed by the Speaker to wait upon the Senate and inform that body that the Assembly is ready to adjourn and ask if the Senate has any further communication to make to the Assembly.

Resolution read and, on motion, adopted.

APPOINTMENT OF COMMITTEE TO WAIT UPON THE SENATE.

The Speaker announced the appointment of the following committee to wait upon the Senate: Messrs. Cutten, Coghlan, and Baxter.

RESOLUTIONS—(RESUMED).

By Mr. Leeds:

Resolved, That Ed. J. Smith, History Clerk, be and he is hereby authorized and directed to assist the Chief Clerk to compile, prepare, and have printed a final calendar or history of the legislative business of the thirty-seventh session, embracing a history or status of all bills and matters introduced, their authors, the number that have become laws, and the chapters thereof, those that have been read the second time, and all other information that will create a perfect guide and history and calendar of the session's business; together with this shall be the expenses of the Assembly and of printing; such information being prepared not only for the public, but as a guide for the thirty-eighth session of the Legislature.

For the purpose of carrying out this work the sum of $100 is hereby allowed said above-named Ed. J. Smith, and the State Controller is hereby directed to immediately draw his warrant in favor of said Ed. J. Smith in said sum on the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Birdsall, Boyle, Bush, Butler, Campbell, Case, Coghlan, Cullen, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lynch, McConnell, McGuire, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Wilson, Wyatt, and Mr. Speaker—48.

NOES—Messrs. Bishop, Chandler, Cogswell, Cornish, Costar, Cutten, Devlin, Drew, Held, Higgins, Johnson of San Diego, Ludington, Percival, Smith, Spaulding, and Weske—16.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on State Library, to whom was referred Senate Bill No. 744—An Act to add a new section to the Political Code, to be numbered Section 2295*a*, and relating to supplying the State Library with State publications for exchange purposes—have had the same under consideration, and respectfully report the same back, without action, the same being identical with Assembly Bill No. 640, which passed both houses and is now in the hands of the Governor.

O'BRIEN, Chairman.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 29—An Act to amend Section 2567 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay.

Also: Assembly Bill No. 142—An Act to amend Section 2576 of the Political Code of the State of California, relating to the establishment of a Board of Harbor Commissioners for the Bay of San Diego.

Also: Assembly Bill No. 158—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.

Also: Assembly Bill No. 265—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East Street, in the block bounded by Drumm, Washington, Jackson, and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

Also: Senate Joint Resolution No. 1—Relative to appointment of committee to investigate and report upon the condition of the harbors of the State.

Also: Senate Bill No. 246—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East Street, in the block bounded by Drumm, Washington, Jackson, and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.

Also: Senate Bill No. 713—An Act to amend an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the Port of Wilmington and Bay of San Pedro," approved March 19, 1889.

Have had the same under consideration, and respectfully report the same back without recommendation.

CUTTEN, Chairman.

REPORT OF COMMITTEE ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1907.

MR. SPEAKER: Your Committee on Conference concerning Assembly Bill No. 361—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State—report that we have met a like committee of the Senate, consisting of Senators Wolfe, Belshaw, and Leavitt, and we report that the conference committee agreed, and recommend that the Assembly concur in the amendments of the Senate.

TRANSUE,
PIERCE,
Assembly Committee on Conference.

Mr. Transue moved the adoption of the report, and that the Assembly concur in Senate amendments to Assembly Bill No. 361.

The question being put, "Shall the Assembly adopt the report and concur in the following Senate amendments to Assembly Bill No. 361?"

SENATE AMENDMENTS.

On page 1, title, strike out all of said title and insert in lieu thereof the following: "An Act to protect trade and commerce against unlawful restraints and monopolies."

Also: On page 1, Section 1, line 1, strike out all of Sections 1, 2 and 3, and insert:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in unreasonable restraint of trade or commerce, within the State of California, is hereby declared to be illegal. Every person who shall make any such contract or

engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize or attempt to monopolize or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce with the State of California, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. The several Superior Courts of the State of California are hereby invested with jurisdiction to prevent and restrain violations of this Act; and it shall be the duty of the several District Attorneys in the respective counties, under the direction of the Attorney-General of the State, to institute proceedings in equity to prevent and restrain such violations. Such proceeding may be by way of petitions setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 4. Whenever it shall appear to the court before which any proceedings under Section 3 of this Act may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the county in which the court is held or not.

SEC. 5. Any property owned under any contract, or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in Section 1 of this Act, and being in the course of transportation within the State of California shall be forfeited to the State of California, and may be seized and condemned by like proceedings as those provided by law for the recovery of escheated estates, Title VIII, Part III, of the Code of Civil Procedure.

SEC. 6. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this Act may sue therefor in any court of competent jurisdiction and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 7. That the word "person" or "persons" wherever used in this Act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the territories or of any State, or of this State, or of any foreign country.

The roll was called.

The report was adopted and Senate amendment to Assembly Bill No. 361 concurred in by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Boyle, Bush, Butler, Campbell, Case, Chandler, Coghlan, Collister, Cornish, Cullen, Drew, Estudillo, Fisher, Fratessa, Hans, Hartmann, Held, Higgins, John, Johnson of San Diego, Jury, Kelly, Leeds, Lemon, Ludington, McGuire, O'Brien, Otis, Pierce, Pyle, Root, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Wessling, Wilson, Wyatt, and Mr. Speaker—47.

NOES—Messrs. Birdsall, Bishop, Cogswell, Costar, Cutten, Devlin, Forbes, Johnson of Sacramento, Lynch, McClellan, McConnell, Thompson of Los Angeles, and Weske—13.

SENATE CONSTITUTIONAL AMENDMENT No. 14.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 19 of Article V of said Constitution, relating to the compensation of State officers.

The Legislature of the State of California, at its regular session commencing on the seventh day of January, A. D. 1907, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Section 19 of Article V of the Constitution of the State of California be amended so as to read as follows:

Section 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, four thousand dollars, the Secretary of State, Controller, Treasurer, and Surveyor-General, five thousand dollars each per annum, and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Consti-

tution. No salary shall be authorized by law for clerical service in any office provided for in this article exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Constitutional amendment read.

The roll was called, and Senate Constitutional Amendment No. 14 adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Cornish, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lynch, McClellan, McConnell, McGuire, O'Brien, Otis, Pierce, Pyle, Root, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling Wilson, Wyatt, and Mr. Speaker—55.

NOES—Mr. Hewitt—1.

Senate Constitutional Amendment No. 14 ordered transmitted to the Senate.

Speaker pro tem. Transue in the chair.

RESOLUTIONS.

The following resolution was submitted:

By Mr. Coghlan:

Resolved, That Cornelius Murphy, Assistant Sergeant-at-Arms, be allowed the sum of $10 for the seventh and eighth days of January, for services performed, and that the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly for said amount in favor of said Cornelius Murphy, and the State Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Cornish, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Ludington, Lynch, McClellan, McGuire, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Walsh, Wessling, Wilson, Wyatt, and Mr. Speaker—53.

NOES—None.

By Mr. Fisher:

WHEREAS, The citizens of Sacramento have royally entertained and made pleasant the stay of the members of this Assembly during their stay in the capital city; therefore, be it

Resolved, That this Assembly hereby extend a vote of thanks to the citizens of Sacramento.

Resolution read and, on motion, adopted.

By Mr. Cogswell:

Resolved, That we take pleasure in extending to the ladies of Sacramento our thanks for many courtesies extended to the families of the members of the Assembly during our sojourn in the capital city.

Resolution read and, on motion, adopted.

By Mr. Devlin:

WHEREAS, There is now in the employ of the Assembly as History Clerk, Ed J. Smith, who has for the past forty-one years been an attaché of every regular and extra session of the Legislature of the State of California and the Constitutional Convention of 1879; and

WHEREAS, The good work that he has done has materially aided to expedite the business of this session without the loss of valuable time; therefore, be it

Resolved, That the thanks of this Assembly are due to said History Clerk Ed J. Smith

and his assistants, George T. Berry and John P. Spaulding, for the prompt, efficient, and uniformly courteous manner in which they have performed the duties imposed upon them.

And be it further resolved, That these resolutions be spread upon the Journal of the Assembly.

Resolution read and, on motion, adopted.

By Mr. Johnson of Sacramento:

Resolved, That F. Y. Madeley be allowed $9 for the first, second and third days of the session, for which he received no pay, although he served as Porter during said three days, and the Controller is hereby directed to draw his warrant against the Contingent Fund of the Assembly for said amount, and the Treasurer is hereby directed to pay the same.

Resolution read.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Birdsall, Boyle, Bush, Case, Coghlan, Cornish, Cutten, Devlin, Drew, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, O'Brien, Pierce, Pyle, Root, Spaulding, Stetson, Strohl, Thompson of Los Angeles, Transue, Walsh, Whitmore, and Mr. Speaker—45.

NOES—Messrs. Bishop, Chandler, Cogswell, Finney, Held, Otis, Strobridge, Weske, and Wyatt—9.

ADDRESS BY GOVERNOR GILLETT.

Governor J. N. Gillett appearing upon the floor of the Assembly was invited to a seat at the Speaker's desk, and, on invitation, addressed the Assembly, thanking the members for the kind and courteous treatment they had extended to him, and congratulated them upon the successful completion of their legislative work.

PRESENTATIONS.

On motion of Mr. O'Brien, Speaker R. L. Beardslee was brought before the bar of the Assembly.

In a fitting address Mr. Devlin, in behalf of the Assembly, presented to the Speaker as a token of their esteem a beautiful case of silverware.

In fitting words the Speaker responded, thanking the members for the kind and courteous treatment he had received at their hands.

RESOLUTIONS.

By Mr. Thompson of Los Angeles:

Resolved, That the thanks of this Assembly be tendered to the Hon. R. L. Beardslee, Speaker of the Assembly, for the signal courtesy, ability and impartiality with which he has presided over its deliberations during this the thirty-seventh session of the Legislature.

Resolution read and, on motion, unanimously adopted.

Speaker Beardslee in the chair.

On motion of Mr. Leeds, Speaker pro tem. Transue was brought before the bar of the Assembly and presented with a gold watch as a token of the high esteem in which he was held by his fellow members.

Mr. Transue replied, thanking the members for their kind treatment of him, and for the support they had given him in performing his duties.

By Mr. Pyle:

Resolved, That this Assembly hereby tenders its thanks to Hon. J. P. Transue for his services in presiding over the Assembly as Speaker pro tem., and hereby expresses its appreciation of his able, fair, and impartial rulings while presiding as Speaker pro tem.

Resolution read and, on motion, unanimously adopted.

On motion of Mr. Leeds, Mr. Johnson of Sacramento was brought before the bar of the Assembly.

Mr. Bishop, on behalf of the members of the Assembly, in an eloquent address presented Mr. Johnson a beautiful cut-glass punchbowl, and thanked him for the many acts of kindness he had bestowed upon the different members of the Assembly in advising and assisting them in their duties.

In words full of emotion Mr. Johnson replied, expressing his feelings of love and friendship for his colleagues.

By Mr. Leeds:

WHEREAS, The Honorable Grove L. Johnson has, by his untiring energy and faithfulness to duty, rendered invaluable services to this Assembly; and

WHEREAS, Mr. Johnson has given freely of his great ability and the fruits of his wide experience for the benefit of the members of this Assembly, and has always shown a willingness to counsel with and advise any of us when requested to do so; and

WHEREAS, As chairman of the Judiciary Committee, Mr. Johnson has been faithful to duty, and has treated with the utmost fairness and consideration both the members of the committee and all those having business with the Judiciary Committee; and

WHEREAS, Mr. Johnson has performed his duties as chairman of the Judiciary Committee and as a member of this Assembly while fighting against physical infirmities that would incapacitate a man of less dauntless spirit; therefore, be it

Resolved, That we express our deep and sincere gratitude to Mr. Johnson for the great service he has rendered to this Assembly and the individual members thereof; that we are grateful for his helpful counsel and friendship, for his willingness at all times to listen to our difficulties and his sympathetic helpfulness in the solution of all our problems; that we shall cherish the memory of his friendship, and shall remember him as the Father of the Assembly; and be it further

Resolved, That it is our earnest hope that our friend and adviser, Mr. Johnson, may enjoy in full measure the blessings of a long life. We hope that his pathway may be a pathway of peace and contentment; and that members of many future sessions of this Assembly may be privileged to enjoy the presence of Mr. Johnson as a member from Sacramento; and be it further

Resolved, That a copy of this resolution be printed in the Journal, and the Chief Clerk be and he hereby is authorized and directed to present a properly engrossed copy of the same to our esteemed colleague, the Honorable Grove L. Johnson.

The resolution was read and, on motion, unanimously adopted.

By Mr. Lemon:

WHEREAS, The work of the thirty-seventh session of the Assembly has been expedited by reason of the diligence and close application to duty of our esteemed Chief Clerk; and

WHEREAS, By reason of his legislative experience and executive ability he has rendered the members valuable assistance and has maintained a high degree of efficiency in the several departments under his supervision, and harmony amongst the large clerical force—an important essential to good work; therefore, be it

Resolved, That the thanks of the Assembly be extended to Clio Lloyd, Chief Clerk, and that this resolution be entered in the Journal.

Resolution read, and, on motion, unanimously adopted.

COMMITTEE FROM THE SENATE.

Senators Lukens, Cartwright, and Belshaw appeared before the bar of the Assembly and informed the Assembly that the Senate was ready to adjourn, and asked if the Assembly had any further message to convey to the Senate.

The Speaker replied that the Assembly had concluded its labors and was ready to adjourn, and had no further communication to make to the Senate.

On motion of Mr. Chandler, Mr. Estudillo was brought before the bar of the House and received a beautiful cut-glass decanter as a token of the high esteem in which he was held by the members of the Assembly for the excellent manner in which he had performed the duties of chairman of the Ways and Means Committee.

MOTION.

On motion of Mr. Transue, T. G. Walker was authorized and empowered to sign all documents pertaining to the office of Chief Clerk during the absence of the Chief Clerk.

REPORTS OF STANDING COMMITTEE.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 822—An Act to classify the roads in the State of California, and to define each class.

Assembly Bill No. 1007—An Act to amend Section 1943 of the Civil Code of the State of California.

Assembly Bill No. 250—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.

Assembly Bill No. 921—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.

Assembly Bill No. 149—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.

Assembly Bill No. 914—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.

Assembly Bill No. 496—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California with reference to the appointment of guardians of insane and other incompetent persons.

Assembly Bill No. 694—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.

Assembly Bill No. 499—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.

Assembly Bill No. 269—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.

Assembly Bill No. 913—An Act to repeal an Act entitled "An Act to further define the powers of the Board of Trustees of the City of Sacramento," approved March 22, 1886.

Assembly Bill No. 807—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, number 9, relating to furnishing the series of school textbooks published by this State to institutions in this State, conducted for the support and maintenance of minor orphans, half orphans and abandoned children, and to appropriate money for the purchase of said text-books.

Assembly Bill No. 650—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.

Assembly Bill No. 904—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.

Assembly Bill No. 201—An Act to repeal Article II of Chapter V of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Assembly Bill No. 281—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Assembly Bill No. 1000—An Act to repeal Article V of Title VI of Part III of the Political Code, and to substitute therefor a new Article V, relating to public waters.

Assembly Bill No. 1001—An Act to repeal Article VI of Title VI of Part III of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.

Assembly Bill No. 285—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1963, and 1982 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1947*a*, all relating to evidence.

Assembly Bill No. 207—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.

Assembly Bill No. 1002—An Act to add a new chapter to Title V of Part III of the Political Code, to be known as Chapter Ic, relating to the Women's Relief Corps Home of California.

Assembly Bill No. 907—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.

Assembly Bill No. 935—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Assembly Bill No. 989—An Act to amend Sections 1, 2, and 3 of an Act entitled "An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.

Assembly Bill No. 699—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering 100 or more, engaged upon the construction, repair or operation of any public work, improvement, or utility, or saw mill.

Assembly Bill No. 473—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.

Assembly Bill No. 901—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Assembly Bill No. 756—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.

Assembly Bill No. 826—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.

Assembly Bill No. 351—An Act to amend Section 2146 of the Political Code of the State of California relating to the acquisition and tenure of property by State hospitals.

Assembly Bill No. 936—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue or lay out a road, and the effect thereof.

Assembly Bill No. 1008—An Act to amend Section 1945 of the Civil Code of the State of California.

Assembly Bill No. 840—An Act to amend Section 3788 of the Political Code, enacted March 28, 1895, and to repeal Section 3788 of the Political Code as amended February 25, 1895, relating to sale of public lands and delinquent taxes due on assessment thereof.

Assembly Bill No. 458—An Act to appropriate $10,000.00 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to Section 16 of Article IV of the Constitution in relation to the approval and return of bills by the Governor and the exercise of the veto power.

Assembly Concurrent Resolution No. 22—Relative to consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California the amendment of Sections 2 and 23 of Article IV of the Constitution.

Assembly Bill No. 286—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas.

Assembly Bill No. 900—An Act to amend Section 58 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the election of county and township officers and their terms of office.

Assembly Bill No. 841—An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing and selling of county bonds and the acceptance of donations to pay for such work, and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.

Assembly Bill No. 1018—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.

Assembly Bill No. 971—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof.

Assembly Bill No. 313—An Act providing for courses of study in agriculture and domestic science in high schools and making an appropriation in aid thereof.

Assembly Bill No. 947—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.

Assembly Bill No. 1039—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Assembly Bill No. 798—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.

Assembly Bill No. 364—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.

Assembly Bill No. 602—An Act to amend Section 427 of the Code of Civil Procedure.

Assembly Bill No. 691—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."

Assembly Bill No. 696—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Assembly Bill No. 270—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197*a*, relating to claims against counties for the expense of keeping insane prisoners.

Assembly Bill No. 695—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to Superior Courts.

Assembly Bill No. 102—An Act to amend Section 384 of the Penal Code, and to repeal Sections 384*a* and 384*b* of said Penal Code, all relating to forest fires.

Assembly Bill No. 922—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action of divorce, during the pendency of the action, at the final hearing, or at any time thereafter, and providing a penalty for such failure.

Assembly Bill No. 692—An Act granting rights of way for lines, roads, structures, levees, canals and excavations to the United States, over the public lands of this State.

Assembly Bill No. 902—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.

Assembly Bill No. 513—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No. 366—An Act to amend an Act entitled an Act to provide for the organization and management of county fire insurance companies, approved April 1, 1897, by amending Sections 7, 10, 11, and 12 thereof.

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education.

Assembly Bill No. 361—An Act to protect trade and commerce against unlawful restraints and monopolies.

And were presented to the Governor March 12, 1907, at ten o'clock A. M.

HANS, Chairman.

READING OF MINUTES.

The minutes of Tuesday, March 12, 1907, were read and, on motion of Mr. Transue, approved.

ADJOURNMENT.

At twelve o'clock M., of Tuesday, March 12, 1907, the Hon. R. L. Beardslee, Speaker of the Assembly, announced that the time for final adjournment of the thirty-seventh session of the Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned *sine die*.

R. L. BEARDSLEE,
Speaker of the Assembly.

J. P. TRANSUE,
Speaker pro tem. of the Assembly.

CLIO LLOYD,
Chief Clerk of the Assembly.

C. S. MACMULLAN,
Minute Clerk of the Assembly.

R. L. DEMPSEY,
Journal Clerk of the Assembly.

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ABBREVIATIONS.—A.B., Assembly Bill; S.B., Senate Bill; A.C.R., Assembly Concurrent Resolution; S.C.R., Senate Concurrent Resolution; A.J.R., Assembly Joint Resolution; S.J.R., Senate Joint Resolution; A C.A., Assembly Constitutional Amendment; S.C.A., Senate Constitutional Amendment.

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56—Bush—An Act making an appropriation for the construction of an annex to the hospital at the Veterans' Home of California, located at Yountville, Napa County.
Assembly action: pp. 103, 269, 294, 654, 1546.

57—Bush—An Act to amend Section 5 of an Act approved March 11, 1897, entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," as amended by an Act approved March 20, 1905, omitting the provision for an adjutant of the board of directors.
Assembly action: pp. 103, 269.

58—Bush—An Act to provide for certain necesary repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.
Assembly action: pp. 103, 270, 654, 1193, 1225, 1359, 1433, 1604, 1814.
Senate action: p. 1601.

59—Kohlman—An Act to amend Article I, Section 827 of the Civil Code, relative to change of terms of leases of lands or tenements from month to month.
Assembly action: pp. 103, 263, 294, 413, 500.

60—Lemon—An Act creating and defining the liability of railroad corporations for injuries to employés, and providing for the recovery of damages therefor, and relating to the rules and principles of law concerning contributory negligence, and providing for a non-waiver of the provisions of this Act by an employé.
Assembly action: pp. 104, 350, 373, 402, 458, 462, 528.

61—Lemon—An Act to fix the standard of qualification for the practice of osteopathy in the State of California; to appoint a Board of Osteopathic Examiners; to provide for examination and certification of applicants, and to provide a penalty for the violation of this Act.
Assembly action: pp. 104, 1838.

62—Lemon—An Act to provide for the re-roofing of the older main buildings now in use at the Southern California State Hospital, and replacing ceilings damaged by leaks in the west wing thereof, and to make appropriation for the same.
Assembly action: pp. 104, 412, 590, 621, 690, 707, 746, 966, 1148.
Senate action: p. 965.

63—Lemon—An Act to provide for the erection of horse barn, carriage house and implement shed at the Southern California State Hospital, and to make appropriation for the same.
Assembly action: pp. 104, 412, 619, 622, 690, 1341.

64—Lemon—An Act to provide for the construction of stone and cement storm channels and ditches on the lands of the Southern California State Hospital, and along highways adjacent thereto, for the protection of the said lands and of the buildings thereon, and to make appropriation for the same.
Assembly action: pp. 104, 510, 619, 622, 692, 707, 747, 966, 1148.
Senate action: p. 965.

65—Lemon—An Act to provide for the erection of an aseptic and sanitary dairy barn, and to purchase and install necessary furnishings and machinery therein, at the Southern California State Hospital, and to make appropriation for the same.
Assembly action: pp. 104, 510, 619, 622, 911, 1342.

66—Lemon—An Act to provide for the erection, equipping, and furnishing of two receiving cottages, one for males and one for females, and a hydrotherapeutic building in connection therewith, with all necessary equipments and furnishings, at the Southern California State Hospital, and to make appropriation for the same.
Assembly action: pp. 104, 510, 622, 1202, 1219, 1342.

67—Lynch—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making appropriations therefor.
Assembly action: pp. 104, 350, 591, 620, 668, 697, 752, 1171, 1416.
Senate action: p. 1170.

68—Hammon—An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded food and regulating the traffic in food, providing penalties, establishing a State laboratory for foods and drugs, and making an appropriation therefor.
Assembly action: pp. 104, 656.

69—Hammon—An Act granting to students to whom a diploma of the University of Southern California College of Law is issued, license to practice in all the courts of this State.
Assembly action: pp. 104, 283, 546, 600, 648, 690, 795, 848, 1315, 1596.
Senate action: p. 1312.

70—Hammon—An Act making an appropriation to pay for a library and library furniture for the District Court of Appeal, Second District of California.
Assembly action: pp. 104, 270, 1546.

71—Coghlan—An Act to amend Sections 801 and 802 of the Penal Code of the State of California, relating to the time of commencing criminal actions.
Assembly action: pp. 104, 860, 1001, 1045, 1177.

72—Coghlan—An Act to amend Section 686 of the Penal Code of the State of California, relating to the rights of defendants in a criminal action.
Assembly action: pp. 105, 1838.

73—Bell—An Act to amend an Act entitled "An Act amending section two of an Act entitled 'An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks and for the construction of sewers within municipalities,' approved March 18, 1885," approved February 20, 1905, by providing for the construction of storm-water drains within municipalities.
Assembly action: pp. 105, 273, 346, 364, 371, 1171, 1416.
Senate action: p. 1170.

74—Eshleman—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by adding a new section thereto, to be known as Section 337*a*, to prohibit betting or wagering by pool or otherwise upon the result of any trotting, pacing or running race between horses, mares, or geldings, and providing the punishment for the violation thereof.
Assembly action: pp. 105, 543, 598, 618, 643, 711, 862, 864, 923.

75—Eshleman—An Act to prevent vaccination being made a condition precedent to admission to the public schools of the State of California.
Assembly action: pp. 105, 413, 668, 697, 1428.

76—Eshleman—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligation of employers.
Assembly action: pp. 105, 498, 1838.

77—Eshleman—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.
Assembly action: pp. 105, 1838.

78—Higgins—An Act to provide for the examination, tearing down, and removal of certain buildings of the San José State Normal School injured by earthquake, for the examination, repair, and reconstruction of others of said buildings, and for the erection, equipment, and furnishing of a new building or buildings, and for the improvement of the grounds for the use of said normal school, and making an appropriation therefor.
Assembly action: pp. 105, 452, 591, 621.

79—Higgins—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union Veterans, who served honorably during the civil war, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California, for the fifty-ninth and sixtieth fiscal years.
Assembly action: pp. 105, 270, 656, 716, 717, 844, 845, 1314, 1597.
Senate action: p. 1311.

80—Higgins—An Act making an appropriation for the erection of an additional wing to the Woman's Relief Corps Home located at Evergreen, Santa Clara County, California.
Assembly action: pp. 105, 253, 654, 1339.

81—Cornish—An Act to add a new section to the Political Code, to be numbered Section 2641*a*, and relating to the election of highway officers in counties of the forty-eighth and fifty-first classes.
Assembly action: pp. 106, 454, 536, 547, 580, 620, 645.

82—Lucas—An Act to amend Sections 3627, 3651, 3664, 3665, 3666, 3671, 3678, 3695, 3699, 3700, 3702, 3738, and 3898 of the Political Code; to amend Subdivision 13 of Section 3692 of the Political Code; and to repeal Section 3701 of the Political Code as it now exists, and to reënact and amend said Section 3701, all of said sections relating to the assessment, equalization, and collection of taxes of the State and counties.
Assembly action: pp. 106, 365, 602, 1339.

83—Transue—An Act to authorize and empower the Board of Trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school building.
Assembly action: pp. 106, 238, 256, 268, 338, 1071.

84—Transue—An Act to add a new section to the Civil Code of the State of California, to be known as number 329, relating to lost or destroyed bonds of a corporation.
Assembly action: pp. 106, 505, 537, 608, 617.

85—Transue—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents, in the State of California, to be known as 'The Whittier State School,'" approved March 23, 1893, by adding one new section thereto, to be numbered Section 31, relating to the transfer of boys from State prisons thereto, and of the powers and duties of certain public officers in connection therewith.
Assembly action: pp. 106, 365, 650.

86—Transue—An Act to provide for the purchasing of a site and building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the City of Los Angeles, and to make appropriation for the same.
Assembly action: pp. 106, 302, 359, 591, 620, 679, 707, 849.

87—Transue—An Act transferring money from the traveling expense fund of the Bureau of Building and Loan Supervision to a special fund to defray the expenses of restoring the office furniture and fixtures of said bureau, lost or destroyed by conflagration or other public calamity, and directing the State Controller and State Treasurer to make such transfer and to draw and pay warrants for the disbursement thereof.
Assembly action: pp. 106, 273, 346, 364, 370, 659, 863.
Senate action: p. 657.

88—Transue—An Act to provide one additional judge of the Superior Court of the County of Los Angeles, State of California, for the manner of his appointment, and for his compensation.
Assembly action: pp. 107, 1792.

89—Transue—An Act to amend an Act to add a new section to the Political Code, to be numbered 758, relating to the appointment and employment of the officers of the District Courts of Appeal, and providing for their salaries, approved March 18, 1905.
Assembly action: pp. 107, 362, 403, 458, 462, 619, 621, 847, 983, 1097, 1157.

90—Transue—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 1742, relating to the recording of memoranda of contracts of conditional sales, and of statements of compliance with the conditions thereof.
Assembly action: pp. 107, 249, 616, 855, 910, 1368.

91—Wilson—An Act to add a new section to the Political Code, to be numbered 2524*a*, relating to the powers of the Board of State Harbor Commissioners.
Assembly action: pp. 107, 502, 513, 534.

92—Hewitt—An Act to repeal an Act entitled "An Act to reorganize Swamp Land District Number Seventy, of Sutter County, and to provide for the construction, maintenance, and repairs of levees therein," approved March 27, 1878.
Assembly action: pp. 107, 263, 292, 296, 343, 631, 731.
Senate action: p. 629.

93—Hewitt—An Act to repeal an Act entitled "An Act to incorporate the Town of Yuba City," approved March 30, 1878.
Assembly action: pp. 107, 263, 293, 296, 344.

94—Hewitt—An Act to amend Sections 4, 6, 7, and 9 of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Six of Sutter County, California," approved March 31, 1891, relating to the terms of officers, vacancies, and the assessment and collection of taxes.
Assembly action: pp. 107, 263, 292, 296, 343, 631, 731.
Senate action: p. 629.

95—Hewitt—An Act to perfect the organization of Reclamation District No. 70, as created by an Act entitled "An Act to create a reclamation district, to be called 'Reclamation District Number Seventy,' and providing for the control and management thereof," approved March 21, 1905, by the dissolution of all smaller reclamation and protection districts composed of portions of the same territory.
Assembly action: pp. 107, 263, 292, 296, 344, 631, 731, 1412.
Senate action: p. 629.

96—Sackett—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 737 thereof, relating to the salaries of judges of the superior court.
Assembly action: pp. 107, 350, 373, 410, 428, 530, 597.

97—McConnell—An Act to provide for the erection of buildings, the construction of improvements, the purchase of furniture, supplies, machinery, and live stock, and for paying the operating expenses of the University Farm at Davisville, in Yolo County, and for the conduct of the experimental work and the operation of the School of Agriculture and the educational work to be conducted thereon and in connection therewith, and appropriating money for such purpose.
Assembly action: pp. 108, 270, 590, 715, 755, 842.

98—Thompson of San Francisco—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be known as Section 800*a*, relating to the dispensing with abstracts of title in all proceedings brought for the purpose of affecting, establishing, or registering title to real estate where it shall appear that the public records of such title, or a substantial portion thereof, have been destroyed by conflagration or other public calamity.
Assembly action: pp. 108, 350, 373, 402, 414, 494, 602, 607, 1196, 1416.
Senate action: p. 1195.

99—Drew—An Act to repeal Section 1036 of the Code of Civil Procedure, relating to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California, and by foreign corporations,
Assembly action: pp. 108, 363, 405, 458, 463, 712, 1265, 1425.
Senate action: p. 1263.

100—Drew—An Act to add a new section to the Code of Civil Procedure, to be numbered Section 1964, relating to evidence in actions for injuries from fire to woodlands.
Assembly action: pp. 108, 1838.

101—Drew—An Act to amend Sections 3346 and 3346*a* of the Civil Code, and to add thereto a new section, to be denominated Section 3346*b*, all relating to the measure of damages for injuries to timber and timber lands.
Assembly action: pp. 108, 388, 437, 540, 578.

102—Drew—An Act to amend Section 384 of the Penal Code, and repeal Sections 384*a* and 384*b* of said Penal Code, all relating to forest fires.
Assembly action: pp. 108, 1134, 1233, 1286, 1296, 1830, 1864.
Senate action: p. 1827.

103—Drew—An Act to amend Section 33½ of "An Act to establish a uniform system of county and township government."
Assembly action: pp. 108, 351, 375, 386, 401, 1266, 1425.
Senate action: p. 1264.

104—Drew—An Act entitled "An Act to amend Section 685 of the Code of Civil Procedure of the State of California."
Assembly action: pp. 108, 271, 345, 386, 425, 1196.
Senate action: p. 1195.

105—Drew—An Act to add a new section to the Penal Code, to be numbered Section 600*a*, relating to malicious burning of forests.
Assembly action: pp. 108, 388, 437, 458, 464, 1196.
Senate action: p. 1195.

106—Drew—An Act to create a State Board of Forestry, to prescribe its duties, to establish a forestry fund, to provide for the enforcement of forest protection laws, and to repeal an Act approved March 18, 1905, entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor."
Assembly action: pp. 108, 364, 365, 495, 535, 547, 579, 620, 1608, 1815.
Senate action: p. 1603.

107—Drew—An Act to provide for a topographical survey in the San Joaquin Valley, of Tulare Lake and streams flowing therein, for the purpose of determining the best method of reclaiming lands inundated by the waters of said lake.
Assembly action: pp. 109, 510, 581, 602, 984, 1338, 1597.
Senate action: p. 1337.

108—Drew—An Act to repeal Title XVI of Part IV of Division First of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI, consisting of Chapter I and Chapter II, to take the place thereof in said Code, relating to land and building corporations, mutual building and loan associations, and to other similar corporations and associatons.
Assembly action: p. 109.

109—Drew—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and to make an appropriation for the expenses of such investigations.
Assembly action: p. 109.

110—Weske—An Act making an appropriation for the erection of a monument in the State Burial Plot at Sacramento, to the memory of Honorable Edward P. Colgan, deceased, late State Controller.
Assembly action: pp. 109, 270.

111—Burke—An Act relating to senior rights of members of paid police departments of counties, cities and counties, cities or towns.
Assembly action: pp. 109, 263, 293, 296, 344, 584, 667, 984.
Senate action: p. 583.

112—Burke—An Act to add a new section to the Political Code of the State of California, to be known as Section 4225, relating to the payment of salaries of members of the police and fire departments of counties, cities and counties, cities and towns.
Assembly action: pp. 109, 249, 1838.

113—Burke—An Act to amend an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of police force to grant the members thereof yearly vacations."
Assembly action: pp. 109, 273, 346, 364, 371, 395, 776, 845, 1070.
Senate action: p. 776.

114—Burke—An Act to amend Section 137 of the Civil Code of the State of California, relating to expenses of action for divorce, alimony, and maintenance.
Assembly action: pp. 109, 1838.

115—Burke—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisement and pay of appraisers.
Assembly action: pp. 110, 1838.

116—Burke—An Act to amend Section 799 of the Political Code of the State of California, relating to the official bond of a notary public.
Assembly action: pp. 110, 274, 346, 364, 371.

117—Burke—An Act to regulate the removal of members of paid police departments of counties, cities and counties, cities or towns.
Assembly action: p. 110.

118—Burke—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 13, 1901, by adding a new section thereto, to be numbered Section 131*a*, relating to the powers and duties of the county recorder, respecting the registration of marriages, births, and deaths.
Assembly action: pp. 110, 274, 346, 364, 371.

119—Burke—An Act to amend Section 2984 of the Political Code of the State of California, for the enforcement of the rules, orders, and regulations of the State Board of Health within municipalities and incorporated towns, and prescribing the duties of boards of health and health officers of such municipalities in relation to the State Board of Health.
Assembly action: pp. 110, 300, 359, 377, 400, 667, 966, 1148.
Senate action: p. 965.

120—Burke—An Act to amend Section 2979*a* of the Political Code of the State of California, relating to the preservation of the public health.
Assembly action: pp. 110, 300, 359, 377, 400.

121—Burke—An Act to amend Section 25 of "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the powers of boards of supervisors and the duties and compensation of health officers appointed by such boards.
Assembly action: pp. 110, 603, 665, 674, 1260, 1324, 1508.

122—Burke—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered 3084, relating to the printing and furnishing by the State Printer of blanks for the registration of births, marriages, and deaths.
Assembly action: p. 110.

123—Burke—An Act to amend Sections 3, 9, 10, 12, 13, 14, and 15 of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.
Assembly action: pp. 110, 300, 358, 387, 398, 457, 460, 1171, 1416.
Senate action: p. 1170.

124—Burke—An Act to amend Section 2981 of the Political Code of the State of California, relating to meetings of the State Board of Health.
Assembly action: pp. 111, 300, 358, 377, 399.

125—Burke—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 372*a*, declaring it a misdemeanor to spit or discharge mucus upon public sidewalks, public buildings, trains, cars, stages, ferryboats, steamers, boats, or other vehicles or vessels used for the transportation of the public.
Assembly action: pp. 111, 300, 359, 377, 399, 966, 1148.
Senate action: p. 965.

126—Burke—An Act to amend Section 374 of the Penal Code of the State of California, relating to putting dead animals in streets, rivers, etc.
Assembly action: pp. 111, 300, 359, 377, 399, 966.
Senate action: p. 965.

127—Burke—An Act to amend Sections 3078, 3080, 3081, and 3083 of the Political Code of the State of California, relating to the registration, certification, and reporting of births, marriages, and deaths.
Assembly action: pp. 111, 299, 359, 363, 372, 410, 427.

128—Burke—An Act to amend Section 3075 of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks, and assistants, and their compensation.
Assembly action: pp. 111, 299, 359, 591, 620, 667, 697.

129—Burke—An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof.
Assembly action: pp. 111, 413, 498, 602, 609.

130—Costar—An Act to appropriate the sum of $8,000.00 for the purchase of furniture and equipment for the State Normal School at Chico, and for the construction of cement floors and sidewalks for said school.
Assembly action: pp. 111, 620.

131—Bishop—An Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within the State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in such channels, and preventing the overflow thereof, and for the construction by such districts of the necessary works for said purposes.
Assembly action: pp. 111, 239, 260, 268, 288, 296, 338, 340, 631, 863.
Senate action: p. 629.

132—Wyatt—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known as Section 230, relating to the adoption of children.
Assembly action: pp. 112, 338, 699, 760, 875, 985, 1051, 1063, 1077, 1145, 1343, 1561.

133—Percival—An Act to amend Section 1382 of the Penal Code, relating to the dismissal of actions.
Assembly action: pp. 112, 338, 1838.

134—Percival—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in justices' courts.
Assembly action: pp. 112, 185, 259, 294, 339, 903, 1148.
Senate action: p. 902.

135—Percival—An Act to amend Section 976 of the Code of Civil Procedure, relating to appeals to superior courts.
Assembly action: pp. 112, 362, 404, 458, 462.

136—Percival—An Act to amend Section 809 of the Penal Code, relating to the filing of informations.
Assembly action: pp. 112, 1838.

137—Pyle—An Act making an appropriation for searching for beneficial insects.
Assembly action: pp. 112, 270, 283.

138—Pyle—An Act to add a new article to Part III, Title VI, Chapter II of the Political Code, designated Article IX, comprising twenty-eight sections, numbered 2745 to 2772 inclusive, authorizing the formation of permanent road divisions, for the construction and improvement of roads in such divisions and prescribing the method of such formation, and of providing funds for said purposes.
Assembly action: pp. 112, 587, 669, 794, 923, 1607, 1815.
Senate action: p. 1603.

139—Ludington—An Act to prevent fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines, in the Bay of San Diego, or in the entrance thereto.
Assembly action: pp. 112, 185, 260, 268, 287, 631, 730.
Senate action: p. 629.

140—Ludington—An Act to provide for the improvement of the campus of the State Normal School at San Diego, and making an appropriation therefor.
Assembly action: pp. 112, 508, 622, 656, 714, 844, 1149.

141—Ludington—An Act authorizing the City of San Diego and the authorities thereof to convey a portion of La Jolla Park, in said city, to the Regents of the University of California, for the purpose of a biological station.
Assembly action: pp. 112, 263, 264.

142—Ludington—An Act to amend Section 2576 of the Political Code of the State of California, relating to the establishment of a Board of Harbor Commissioners for the Bay of San Diego.
Assembly action: pp. 112, 1857.

143—Ludington—An Act to provide for the erection of a training school building for the use of the State Normal School at San Diego, California, to equip the same, and making an appropriation therefor.
Assembly action: pp. 113, 508, 622, 765, 1308, 1393, 1567, 1577.

144—Ludington—An Act to provide for making repairs, and for additional equipment at the State Normal School at San Diego, and making an appropriation therefor.
Assembly action: pp. 113, 508, 622, 656, 715, 755, 841, 1338, 1598.
Senate action: p. 1337.

145—Ludington—An Act making an appropriation to pay for the settlement of disputed titles to or boundaries of land claimed by the State of California fronting on the Bay of San Diego.
Assembly action: pp. 113, 182, 264, 345, 355, 620, 1028, 1066, 1146, 1207, 1692, 1815.
Senate action: p. 1691.

146—Leeds—An Act appropriating money to pay expenses of erecting and maintaining, collecting, forwarding, installing and returning a collective exhibit of the products of the State of California, either in a building erected by the commission or in the State's building at the Jamestown Exposition, to be held in Norfolk, Virginia, in 1907; also preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.
Assembly action: pp. 113, 270.

147—Leeds—An Act providing for holding primary nominating elections preceding any election in this State, for the purpose of nominating candidates of a political party for State, county, city and county, city, and local offices.
Assembly action: pp. 113, 624.

148—Thompson of Los Angeles—An Act to amend Section 3627 of the Political Code of the State of California, relating to the assessments of property for taxation.
Assembly action: pp. 113, 365, 407, 411, 433, 1265, 1425.
Senate action: p. 1264.

149—Thompson of Los Angeles—An Act to amend Section 3785 of the Political Code of the State of California, relating to the issuance of tax deeds.
Assembly action: pp. 113, 365, 407, 411, 433, 1797, 1862.
Senate action: p. 1795.

150—Otis—An Act to add one section to the Code of Civil Procedure of the State of California, to be numbered 230½, relating to selecting and summoning jurors for courts not of record in incorporated cities.
Assembly action: pp. 113, 699, 762, 875, 985, 1768, 1848.
Senate action: p. 1762.

151—Devlin—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 625 of said Code of Civil Procedure, relating to verdicts of jurors.
Assembly action: pp. 113, 184, 258, 268, 290, 339, 364, 369, 1692.

152—Devlin—An Act to amend Section 753 of the Political Code, relating to disposition of fees of Clerk of the Supreme Court.
Assembly action: pp. 113, 185, 260, 268, 287, 1520, 1605, 1814.
Senate action: p. 1603.

153—Devlin—An Act appropriating money to be used to replace the library of the Supreme Court destroyed by fire in San Francisco.
Assembly action: pp. 113, 270, 619, 692, 707, 748, 1196, 1416.
Senate action: p. 1195.

154—Devlin—An Act appropriating money for furniture, carpets, fixtures, and other accessories necessary for the use of the Supreme Court.
Assembly action: pp. 113, 270, 619, 692, 707, 748, 1416.

155—Devlin—An Act appropriating money to pay the increased salaries of Justices of the Supreme Court for the current fiscal year.
Assembly action: pp. 114, 270, 619, 692, 707, 748, 1416.

156—Hans—An Act to amend an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposition of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," approved March 31, 1901.
Assembly action: pp. 114, 961, 1067, 1096, 1404, 1598.
Senate action: p. 1402.

157—Cutten—An Act to amend Section 1372 of the Political Code, relating to primary elections.
Assembly action: pp. 114, 366, 395, 411, 434.

158—Cutten—An Act to amend Section 2572 of the Political Code of California, relating to the Board of Harbor Commissioners of the Port of Eureka, on Humboldt Bay, fixing a compensation of the members thereof, etc.
Assembly action: p. 114.

159—McGuire—An Act to change, establish, and permanently locate the boundary lines of the County of Kings.
Assembly action: pp. 114, 300, 359, 525, 581, 602, 605, 612, 711, 745, 1554, 1791, 1857.

160—Stetson—An Act to appropriate the sum of fifty thousand ($50,000) dollars for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind of California, in Alameda County, by the board of directors thereof, and provide for the payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.
Assembly action: pp. 114, 793, 1342.

161—John—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.
Assembly action: pp. 114, 270, 508.

162—John—An Act making an appropriation for the construction and furnishing of a dormitory building at the California Polytechnic School.
Assembly action: pp. 114, 270, 508.

163—John—An Act making an appropriation for the purchase of land and a water supply at the California Polytechnic School.
Assembly action: pp. 114, 270, 508, 911.

164—Forbes—An Act to amend Sections 1182 and 1175 of the Penal Code of the State of California, relating to new trials.
Assembly action: pp. 115, 388, 1838.

165—Case—An Act to amend Sections 1510, 1511*a*, 1511*b*, 1512, 1514, 1514*a*, 1515, 1517, and 1518 of the Penal Code, relating to coroners' inquests and duties of coroners, and to repeal Section 1511 of said Penal Code.
Assembly action: pp. 115, 1792.

166—Snyder—An Act to appropriate money for the finishing and furnishing of an assembly hall at the Preston School of Industry.
Assembly action: pp. 115, 615, 1339.

167—Snyder—An Act to amend an Act entitled "An Act appropriating money for building an assembly hall at Preston School of Industry," approved March 22, 1905.
Assembly action: pp. 115, 270, 355, 448, 493, 526, 529, 742, 982.
Senate action: p. 741.

168—Snyder—An Act appropriating money for the purchase of furniture and bedding for the use of and for repairs at the Preston School of Industry.
Assembly action: pp. 115, 615, 1339.

169—Snyder—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.
Assembly action: pp. 115, 615, 1339.

170—Snyder—An Act appropriating money for the construction and equipment of a cold-storage plant at the Preston School of Industry.
Assembly action: pp. 115, 615, 1339.

171—Snyder—An Act to appropriate money for the repair and improvement of the pipe line and water system at the Preston School of Industry.
Assembly action: pp. 115, 615, 674, 1339.

172—Snyder—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.
Assembly action: pp. 115, 615, 1339.

173—Transue—An Act making an appropriation to pay contingent expenses of Assembly, thirty-seventh session.
Assembly action: pp. 115, 451, 539.
Senate action: p. 450.

174—Beardslee—An Act creating a Board of Arbitration and Investigation for the determination of all differences between employers and employés.
Assembly action: p. 115.

175—Beardslee—An Act to amend Section 739 of the Political Code, relating to the salaries of officers connected with the Supreme Court.
Assembly action: pp. 116, 362, 403, 411, 431.

176—Davis—An Act to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of hospitals for the relief of the sick, and for training schools for nurses.
Assembly action: pp. 116, 245, 297, 355, 364, 372, 631, 731.
Senate action: p. 629.

177—Held—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be known and designated as Section 995, relating to the sale and transfer of hops and the amount to be deducted as tare.
Assembly action: pp. 118, 249, 350, 373, 410, 428, 1503, 1714.
Senate action: p. 1501.

178—Wyatt—An Act to amend Sections 1349, 1350, and 1351 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1350*a*, all relating to letters testamentary and of administration with the will annexed.
Assembly action: pp. 118, 249, 267, 293, 294, 347, 360, 408, 438, 529, 936, 1552, 1791.
Senate action: p. 1550.

179—Drew—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.
Assembly action: pp. 118, 352, 408, 411, 438.

180—Wyatt—An Act to amend Sections 1371, 1379, and 1383 of the Code of Civil Procedure, all relating to letters of administration.
Assembly action: pp. 118, 352, 408, 458, 537, 619, 858, 910, 937, 1552, 1791.
Senate action: p. 1550.

181—Wyatt—An Act to amend Sections 1328 and 1329 of the Code of Civil Procedure, both relating to the contesting of wills after probate.
Assembly action: pp. 118, 352, 409, 411, 537, 619, 927, 1555, 1791.

182—Wyatt—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.
Assembly action: pp. 118, 352, 409, 411, 938, 1552, 1791.
Senate action: p. 1550.

183—Wyatt—An Act to amend Section 1300 of the Code of Civil Procedure, relating to proceedings for the probate of wills.
Assembly action: pp. 118, 352, 409, 411, 938, 1552, 1791.
Senate action: p. 1550.

184—Wyatt—An Act to repeal Title VIII, of Part III, of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said Code, relating to escheated estates.
Assembly action: pp. 118, 352, 409, 411, 439, 530, 538, 619, 938, 1552, 1790.
Senate action: p. 1549.

185—Wyatt—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings.
Assembly action: pp. 118, 661.

186—Wyatt—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.
Assembly action: pp. 118, 352, 409, 439, 458, 938, 1552, 1791.
Senate action: p. 1550.

187—Wyatt—An Act to amend Sections 1209 and 1210 of the Code of Civil Procedure, both relating to contempts.
Assembly action: pp. 119, 660, 726, 863, 947, 1552, 1789.
Senate action: p. 1548.

188—Wyatt—An Act to repeal Chapter III, of Title IV, of Part III, of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said Code, relating to liens for salaries and wages.
Assembly action: pp. 119, 352, 409, 411, 439, 939, 1552, 1791.
Senate action: p. 1550.

189—Wyatt—An Act to amend Sections 1166 and 1167 of the Code of Civil Procedure, and to repeal Section 1175 thereof, all relating to summary proceedings for obtaining possession of real property.
Assembly action: pp. 119, 387, 441, 458, 940, 1552, 1789.
Senate action: p. 1548.

190—Wyatt—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.
Assembly action: pp. 119, 387, 440, 540, 939, 1552, 1790.
Senate action: p. 1549.

191—Wyatt—An Act to amend Section 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.
Assembly action: pp. 119, 387, 440, 540, 939, 1552, 1791.
Senate action: p. 1550.

192—Wyatt—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.
Assembly action: pp. 119, 387, 441, 458, 941, 1552, 1791.
Senate action: p. 1550.

193—Wyatt—An Act to amend Sections 1431 and 1432 of the Code of Civil Procedure, both relating to transfers of administrations.
Assembly action: pp. 119, 387, 440, 540, 696, 940, 1552, 1791.
Senate action: p. 1548.

194—Wyatt—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.
Assembly action: pp. 119, 387, 441, 458, 941, 1552, 1789.
Senate action: p. 1548.

195—Wyatt—An Act to amend Section 1445 of the Code of Civil Procedure, relating to the inventory and appraisement of the estates of decedents.
Assembly action: pp. 119, 387, 440, 540, 940, 1552, 1789.
Senate action: p. 1548.

196—Wyatt—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.
Assembly action: pp. 119, 589, 687, 730, 946, 1552, 1790.
Senate action: p. 1549.

197—Wyatt—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.
Assembly action: pp. 120, 589, 686, 795, 946, 1552, 1789.
Senate action: p. 1548.

198—Wyatt—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.
Assembly action: pp. 120, 387, 441, 458, 941, 1552, 1789.
Senate action: p. 1548.

199—Wyatt—An Act to amend Sections 1466 and 1468 of the Code of Civil Procedure, both relating to provisions for the support of the families of deceased persons.
Assembly action: pp. 120, 387, 441, 458, 665, 942, 1552, 1789.
Senate action: p. 1548.

200—Wyatt—An Act to add a new section to the Code of Civil Procedure, to be numbered 1471, relating to the setting apart of homesteads and of other property exempt from execution belonging to estates of decedents.
Assembly action: pp. 120, 388, 441, 458, 942, 1552, 1789.
Senate action: p. 1548.

201—Wyatt—An Act to repeal Article II, of Chapter V, of Title XI, of Part III, of the Code of Civil Procedure and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.
Assembly action: pp. 120, 774, 891, 981, 1688, 1797, 1862.
Senate action: p. 1795.

202—Wyatt—An Act to amend Sections 1497, 1498, 1502, 1503, 1504, and 1505 of the Code of Civil Procedure, to repeal Section 1509 thereof, and to add a new section thereto, to be numbered 1501*a*, all relating to claims against the estates of decedents.
Assembly action: pp. 120, 660, 727, 872, 896, 947, 1052, 1552, 1789.
Senate action: p. 1550.

203—Baxter—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a fish hatchery on the Stanislaus River, in Tuolumne County, and making an appropriation therefor.
Assembly action: pp. 120, 963, 1399, 1578, 1694.

204—Campbell—An Act for the prevention of the manufacture, sale, or transportation of adulterated or misbranded drugs, regulating the traffic in drugs, and providing penalties for violation.
Assembly action: pp. 120, 770, 787, 799, 1052, 1063, 1077, 1145, 1216, 1722.

205—Campbell—An Act to amend an Act authorizing the common council, board of trustees, or other governing body of any incorporated city or town other than cities of the first class to refund its indebtedness, to issue bonds therefor, to provide for the payment of the same, approved March 9, 1897, by amending Section 1 thereof, relating to the refunding of indebtedness of incorporated cities or towns and the issue of bonds of such city or town therefor and the denomination of the bonds.
Assembly action: pp. 120, 412, 496, 526, 530.

206—McMullin—An Act compelling railroads doing business in this State as common carriers of passengers and freight to keep, operate and maintain a depot for the accommodation of passengers, to receive and discharge passengers at such depot, and to keep, operate, and maintain freight warehouses for the purpose of receiving and discharging freight in any municipal corporation, incorporated city, or city and county, or incorporated town traversed by the tracks or road of any railroad; also providing for the stoppage of trains at such depot, and providing penalties for failure to comply with this Act.
Assembly action: pp. 121, 617, 678, 794, 983, 1041, 1058, 1145, 1215.

207—McMullin—An Act to amend Section 226 of the Civil Code of the State of California, relating to the procedure of adopting minor children, and the manner of procuring consent thereto.
Assembly action: pp. 121, 1498, 1580, 1596, 1678, 1797, 1862.
Senate action: p. 1795.

208—McMullin—An Act to amend Section 3546 of the Political Code of the State of California, relating to the statement to be furnished by the Register of the State Land Office to the District Attorney of each county in the State of California.
Assembly action: pp. 121, 1838.

209—McMullin—An Act prohibiting discrimination between different sections, communities, or localities, unfair competition, and providing penalties therefor.
Assembly action: pp. 121, 1135.

210—McMullin—An Act to regulate the practice of horseshoeing in the State of California, and to provide for the examination and registration of persons engaged in such pursuit.
Assembly action: pp. 121, 548.

211—Spaulding—An Act to amend an Act entitled "An Act exempting from taxation a portion of the property held in trust for the benefit of the Leland Stanford Junior University," approved February 14, 1901, relating to tuition fees in said university.
Assembly action: pp. 121, 1840.

212—Hewitt—An Act supplemental to an Act entitled "An Act concerning trespassing animals upon private lands in certain counties of the State of California," approved March 7, 1878, and to extend the provisions of said Act to Sutter County.
Assembly action: pp. 121, 413, 500, 525, 578, 1196, 1416.
Senate action: p. 1195.

213—Weske—An Act authorizing and directing the completion of the main buildings at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.
Assembly action: pp. 121, 793, 1343.

214—Weske—An Act authorizing and directing the construction and furnishing of two pavilions for colonizing epileptic patients at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.
Assembly action: pp. 121, 793, 1343.

215—Weske—An Act authorizing and directing the construction of dairy buildings and the purchase of dairy apparatus at the California Home for the Care and Training of Feeble-Minded Children, near Eldridge, California, and making an appropriation therefor.
Assembly action: pp. 121, 793, 1343.

216—Smith—An Act to amend Section 4460 of the Political Code, relating to and regulating publications, notices, or advertisements authorized or required to be given or made by public officers, the officers of courts, or by law, and defining newspapers of general circulation.
Assembly action: pp. 121, 362, 405, 411, 432, 558, 1544.

217—Bush—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, and March 19, 1903, and as amended March 20, 1905, by amending Section 184 thereof, relating to counties of the twenty-seventh class.
Assembly action: pp. 122, 351, 375, 410, 429, 448, 459, 527, 742, 982.
Senate action: p. 741.

218—Bush—An Act allowing certain pensions for employés of twenty-one years and upwards of continued service by the State of California in one or more of the public institutions of this State, and providing for the payment thereof.
Assembly action: pp. 122, 249, 267, 273, 290.

219—Bush—An Act to amend Sections 2153*a* and 2154 of the Political Code of the State of California, relating to the appointment of a dentist in State hospitals for the care and treatment of the insane.
Assembly action: pp. 122, 603, 672.

220—Bush—An Act to provide for the payment of fees and expenses incurred upon the death or insanity of inmates of State institutions.
Assembly action: pp. 122, 249, 267, 273, 290, 659, 863.
Senate action: p. 657.

221—Bush—An Act to provide for the preservation of the public records of counties and cities and counties of the State of California, by printing the same and binding the same, and for the payment thereof, and for the sale and distribution of portions thereof.
Assembly action: pp. 122, 1838.

222—Bush—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State."
Assembly action: pp. 122, 270, 510, 616, 675, 794, 883, 1314, 1597.
Senate action: p. 1312.

223—Thompson of San Francisco—An Act to amend Section 827 of the Civil Code of the State of California, relating to changing terms of lease.
Assembly action: pp. 122, 413, 499, 602, 610, 966, 1149.
Senate action: p. 965.

224—Drew—An Act to establish a standard form of fire insurance policy, and to prevent variations therefrom except under certain stated conditions and restrictions.
Assembly action: p. 122.

225—Drew—An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished.
Assembly action: pp. 122, 980, 1111, 1216, 1293, 1506.

226—Drew—An Act entitled "An Act to regulate commerce; to define common carriers and their powers and duties; to prohibit common carriers from being interested in certain commodities carried by themselves; to compel common carriers to provide switches and conveniences for the transfer of commodities from one line to another; to compel the convenient exchange and transfer of commodities shipped to be transferred from one line to another; to prohibit the giving of rebates, special rates, drawbacks or other discriminations to shippers and common carriers; to prohibit and prevent discriminations between persons and places; to require the furnishing of facilities for interchange of traffic; to prohibit a greater charge for a short haul than for a long haul of passengers and freight where the discrimination or preference is to rates within this State; to prohibit the pooling of freight and division of earnings by the common carriers; to compel the filing with the State Board of Railroad Commissioners copies of all contracts or agreements between carriers; to require common carriers to expedite military traffic in time of war or of great public necessity; to require continuous carriage of freight unless a break, stoppage, or interruption is required; to prescribe liabilities and penalties of common carriers for damages and providing for the recovery of damages and the methods of obtaining redress in certain cases of violation of this Act; to prescribe penalties for the violation of this Act, including penalties imposed upon the carriers guilty of such violation, and also upon trustees, lessees, agents or persons acting for or employed by such carriers; to prescribe penalties for the false billing by carriers and officers or agents; also penalties for false billing by shippers and other persons; to provide penalties for inducing common carriers to discriminate unjustly; to provide for the taking of testimony in certain cases and for taking depositions in proceedings before the State Board of Railroad Commissioners, and the methods for taking such depositions; to provide for the regulation and allowance to be made by the State Board of Railroad Commissioners where transportation is had over more than one line of road and the disposition and apportionment of the proceeds; to provide that proceedings brought under the provisions of this Act shall be expedited in the court and before the State Board of Railroad Commissioners; to provide penalties for false entries of accounts; to provide that carriers shall be liable to lawful holders of bills of lading for loss or damage to property; to provide that certain persons and property may be carried free or at reduced rates; to provide that the remedies herein granted are cumulative and shall not interfere with the other remedies provided by the Constitution of this State or by law.
Assembly action: pp. 123, 981, 1147, 1149, 1341.

227—Otis—An Act to amend Sections 769, 806, and 882 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the violation of ordinances.
Assembly action: pp. 123, 1838.

228—Cogswell—An Act making an appropriation of thirty-two thousand dollars to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing additional land for the use of said school.
Assembly action: pp. 123, 365, 393, 395, 621.

229—Hammon—An Act to appropriate the sum of ten thousand dollars to pay the claim of Harve O. Waterman, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.
Assembly action: pp. 124, 364.

230—Devlin—An Act making an appropriation of one thousand dollars ($1,000) to pay the claim of Edward W. Lehner against the State of California.
Assembly action: pp. 124, 698, 962, 1106, 1146, 1161.

231—Eshleman—An Act to amend Sections 9 and 10 of an Act entitled "An Act to establish and support a bureau of labor statistics," approved March 3, 1883, relating to the Commissioner for the Bureau of Labor Statistics, the compensation of the said commissioner, his deputy, his agents and assistants, and making an appropriation therefor.
Assembly action: pp. 124, 449, 494, 1546.

232—Snyder—An Act making an appropriation to pay the claim of Solinsky & Wehe against the State of California.
Assembly action: p. 124.

233—Stetson—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, providing for an assistant, deputies, clerks, phonographic reporter, and stenographers in the Attorney-General's office, and fixing their salaries, and relating to the duties of the Attorney-General, and prohibiting the employment of special counsel, except in certain cases specified, and providing for the compensation of such special counsel.
Assembly action: pp. 124, 297, 355, 372, 377, 396, 426, 526.

234—Beardslee—An Act to provide for the erection of a cottage on the farm of the Stockton State Hospital, for installing a heating plant in the same, and to appropriate money therefor.
Assembly action: pp. 124, 511.

235—Beardslee—An Act to provide for the installing of a heating plant in the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.
Assembly action: pp. 124, 412, 598, 621, 690, 707, 747, 1171, 1416.
Senate action: p. 1170.

236—Beardslee—An Act to provide for repairing the bathtubs and toilets and laying a cement flooring in the lavatories of the Stockton State Hospital, to appropriate money therefor, and to authorize the expenditure of the same.
Assembly action: pp. 124, 511, 793.

237—Beardslee—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.
Assembly action: pp. 124, 412, 494, 602, 688, 1171, 1415.
Senate action: p. 1170.

238—Beardslee—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by conflagration or other public calamity.
Assembly action: pp. 125, 169, 1839.

239—Johnson of Sacramento—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 330 thereof, relating to illegal gaming.
Assembly action: pp. 132, 1838.

240—Johnson of Sacramento—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relative to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,'" approved March 23, 1901, by amending Sections 12 and 13.
Assembly action: pp. 132, 654, 718, 804, 875, 885, 1580.

241—Johnson of Sacramento—An Act to amend an Act entitled "An Act to regulate the practice of osteopathy in the State of California, and to provide for a State Board of Osteopathic Examiners, and to license osteopaths to practice in this State, and to punish persons violating the provisions of this Act," which became a law under constitutional provisions without the Governor's approval March 9, 1901, by amending Sections 2, 3, 4, 7, and 8, changing Section 9 to Section 10, and Section 10 to Section 11, and adopting a new section, to be known as Section 9.
Assembly action: pp. 133, 414, 501, 602, 641, 706, 847.

242—Johnson of Sacramento—An Act to amend Section 1693 of the Code of Civil Procedure of the State of California, relating to unclaimed estates.
Assembly action: pp. 133, 388, 437, 540, 578, 1105, 1144, 1415.
Senate action: p. 1104.

243—Johnson of Sacramento—An Act to prevent any minor under the age of eighteen years visiting any race, race track, race course, prize-fight, cockfight, or place where any race, prize-fight, or cockfight is advertised or represented to take place, and to provide a punishment therefor.
Assembly action: pp. 133, 1845.

244—Johnson of Sacramento—An Act providing for the registration of the purchasers of guns, pistols, and other firearms, and providing for the punishment of dealers neglecting to register such purchasers.
Assembly action: pp. 133, 388, 437, 540, 640, 706, 750.

245—Johnson of Sacramento—An Act to prevent the sale by minors under the age of eighteen years of any paper, newspaper, pamphlet, or periodical in which any race, horse race, prize-fight, cockfight, or drawing in any lottery is advertised; and to prevent the sale to any minor under the age of eighteen years of any paper, newspaper, pamphlet, or periodical in which any race, horse race, prize-fight, cockfight, or drawing in any lottery is advertised.
Assembly action: pp. 133, 1845.

246—Burke—An Act to prevent a minor child misrepresenting his age to procure intoxicating liquors.
Assembly action: pp. 133, 542, 598, 618, 643, 665, 752, 1838.

247—Drew—An Act regulating the loan of money, when as security for such loan a lien is taken upon household furniture and effects, musical instruments, typewriters, and sewing machines, or upon any other personal property.
Assembly action: pp. 133, 699, 759, 875, 963, 985.

248—Drew—An Act to amend Sections 338, 339, 340, 341 of the Penal Code, and to add two new sections thereto, and to be known and designated as Sections 345 and 345*a*, all relating to pawnbrokers.
Assembly action: pp. 133, 660, 726, 863, 914.

249—Drew—An Act authorizing certain corporations to loan and invest money, and regulating the same.
Assembly action: pp. 134, 274, 283, 355, 604, 667, 697, 752, 848, 1838.

250—Drew—An Act to amend Section 224 of the Civil Code of the State of California, relative to the adoption of minor children.
Assembly action: pp. 134, 587, 670, 794, 912, 1796, 1862.
Senate action: p. 1796.

251—Jury—An Act to repeal Sections 258 and 259 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the publication of cartoons and caricatures and the signature of newspaper articles.
Assembly action: pp. 134, 1839.

252—Jury—An Act to amend Section 1055 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the publication and posting of election proclamations.
Assembly action: pp. 134, 590, 671, 697, 851.

253—Jury—An Act to amend Title V of Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding two new sections thereto, to be numbered 4463 and 4464, requiring persons, firms, associations, or corporations in this State engaged in the business of loaning money, receiving deposits, banking or insurance in any form, to publish certain reports, and prescribing a penalty for failure or neglect to do so.
Assembly action: pp. 134, 656, 725, 863, 913.

254—Otis—An Act to appropriate the sum of one hundred and one thousand three hundred and fourteen ($101,314) dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.
Assembly action: pp. 134, 350, 394, 620, 1220, 1245, 1285, 1332, 1509, 1576.

255—Berry—An Act to provide for the location, survey, and construction of a State highway, in Trinity County, connecting the present county road systems of Trinity and Humboldt counties, and making an appropriation therefor.
Assembly action: p. 134.

256—Transue—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.
Assembly action: pp. 134, 505, 537, 547, 581, 598, 645, 1033, 1192.
Senate action: p. 1032.

257—Hewitt—An Act for the payment of fees for grand and trial jurors, and also for witnesses, who serve as such in Superior Courts of the State of California, and fixing the amounts therefor.
Assembly action: pp. 134, 1839.

258—Higgins—An Act to authorize the State Board of Charities and Corrections to send its secretary and any of its members as delegates to the National Conference of Charities and Corrections, and to the National Prison Congress of the United States, and to visit the charitable and correctional institutions of other states, and to pay the necessary expenses thereof.
Assembly action: pp. 134, 452, 536, 547, 598.
Senate action: p. 1501.

259—Coghlan—An Act providing for the deposit of $200,000 by persons residing in other states and companies incorporated under the laws of other states or countries, engaged in the transaction of insurance business in this State, which sum may be levied upon by the creditors of such persons or corporations.
Assembly action: p. 135.

260—Coghlan—An Act to amend Section 610 of the Political Code of the State of California, relating to the duties of the insurance commissioners, and to statements required to be made by persons or corporations doing the business of insurance in this State.
Assembly action: p. 135.

261—Coghlan—An Act to amend Section 1855*a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by fire or other calamity; also providing that in such case decrees of distribution and partition, and deeds made pursuant to or under a judgment, or order of court, shall prima facie be deemed made under proceedings duly had.
Assembly action: pp. 135, 616, 676, 794, 852, 911, 914, 1094.
Senate action: p. 1829.

262—Thompson of Los Angeles—An Act to amend Sections 1925 and 1933 of the Political Code, all relating to the National Guard and troops of cavalry therein.
Assembly action: p. 135.

263—Thompson of Los Angeles—An Act entitled an Act to amend Section 1669 of the Political Code, relating to the establishment of high schools.
Assembly action: pp. 135, 263, 292, 293, 296, 344, 584, 647.
Senate action: p. 583.

264—Percival (by request)—An Act to regulate the pursuit, business, art, and avocation of barbering, the licensing of persons to carry on such business, and to insure the proper qualification of persons following such business, and the sanitary conditions of barber shops in the State of California.
Assembly action: pp. 135, 362, 403, 410, 431, 462.
Senate action: p. 1170.

265—Strohl—An Act to authorize the Board of State Harbor Commissioners to execute and deliver and to receive grants in the name of the State of California, so as to settle the westerly line of East Street, in the block bounded by Drumm, Washington, Jackson, and East streets, in the City and County of San Francisco, with the owners of property in said block fronting thereon.
Assembly action: pp. 135, 1491, 1857.

266—Whitmore—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Sections 14, 15, 17, 20, 22, 35, 47, 56, 57, 60, and 61, by repealing Section 18 and by adding a new section, to be known as Section 55*a*.
Assembly action: pp. 135, 345, 386, 424, 1396, 1406, 1598.
Senate action: p. 1395.

267—Beckett—An Act making an appropriation of two hundred and fifty thousand ($250,000) dollars to aid in the construction of a library building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Assembly action: pp. 136, 351, 394, 620.

268—Eshleman—An Act appropriating six thousand ($6,000) dollars for the support of the department of music in the University of California for two years.
Assembly action: pp. 136, 351, 394, 620.

269—Stetson—An Act to amend Section 1774 of the Code of Civil Procedure of the State of California, relating to the settlement of the final accounts of guardians of insane persons.
Assembly action: pp. 136, 185, 259, 268, 286, 1797, 1862.
Senate action: p. 1795.

270—Stetson—An Act to add a new section to the Political Code of the State of California, to be known as Section 2197*a*, relating to claims against counties for the expense of keeping insane prisoners.
Assembly action: pp. 136, 297, 356, 377, 396, 1830, 1864.
Senate action: p. 1827.

271—Stetson—An Act to amend Section 2158 of the Political Code of the State of California, relating to the contingent funds at State hospitals.
Assembly action: pp. 136, 603, 730, 753, 1338, 1598.
Senate action: p. 1337.

272—Wyatt—An Act to amend Sections 1518, 1522, 1524, 1537, 1543, 1544, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, all relating to the sale of the property of deceased persons.
Assembly action: pp. 136, 590, 687, 794, 946, 1556, 1791.

273—Wyatt—An Act to amend Sections 1582, 1583, 1584, 1587, and 1589 of the Code of Civil Procedure, all relating to actions by or against executors or administrators.
Assembly action: pp. 136, 661, 728, 756, 949, 1552, 1790.
Senate action: p. 1549.

274—Wyatt—An Act to amend Section 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, both relating to the management of the estates of deceased persons.
Assembly action: pp. 136, 661, 727, 872, 948, 1552, 1789.
Senate action: p. 1550.

275—Wyatt—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.
Assembly action: pp. 136, 387, 441, 540, 940, 1552, 1790.
Senate action: p. 1549.

276—Wyatt—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.
Assembly action: pp. 136, 388, 441, 458, 942, 1552, 1789.
Senate action: p. 1548.

277—Wyatt—An Act to amend Sections 1622 and 1636 of the Code of Civil Procedure, and to repeal Sections 1623, 1624, 1625, and 1640 thereof, all relating to accounts of executors and administrators and the settlement of such accounts.
Assembly action: pp. 137, 661, 727, 876, 948, 1552, 1789.
Senate action: p. 1548.

278—Wyatt—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.
Assembly action: pp. 137, 661, 728, 756, 949, 1552, 1790.
Senate action: p. 1549.

279—Wyatt—An Act to amend Sections 1658, 1660, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.
Assembly action: pp. 137, 661, 728, 876, 948, 1552, 1789.
Senate action: p. 1548.

280—Wyatt—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of estates of deceased persons.
Assembly action: pp. 137, 661, 728, 756, 949, 1541, 1552, 1790.
Senate action: p. 1549.

281—Wyatt—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.
Assembly action: pp. 137, 774, 892, 982, 1689, 1797, 1862.
Senate action: p. 1795.

282—Wyatt—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to public administrators.
Assembly action: pp. 137, 661, 728, 756, 950, 1552, 1790.
Senate action: p. 1549.

283—Wyatt—An Act to amend Sections 1750, 1753, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807 and 1809 of the Code of Civil Procedure, to repeal Sections 1752 and 1774 thereof, and to add a new section thereto, to be numbered 1760, all relating to guardians.
Assembly action: pp. 137, 661, 728, 756, 950, 1552, 1790.
Senate action: p. 1549.

284—Wyatt—An Act to repeal Title XIII, of Part III, of the Code of Civil Procedure, and to substitute a new Title XIII to take the place thereof in said Code, relating to estates of missing persons.
Assembly action: pp. 137, 661, 728, 756, 950, 1552, 1790.
Senate action: p. 1549.

285—Wyatt—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1915, 1918, 1921, 1922, 1925, 1935, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, and 1982 of the Code of Civil Procedure, to repeal Section 1973 thereof, and to add a new section thereto, to be numbered 1947*a*, all relating to evidence.
Assembly action: pp. 137, 1167, 1243, 1397, 1690, 1797, 1862.
Senate action: p. 1795.

286—Wyatt—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpœnas.
Assembly action: pp. 138, 661, 1596, 1830, 1863.
Senate action: p. 1827.

287—Wyatt—An Act to amend Sections 2006, 2024, 2025, 2026, 2036, and 2037 of the Code of Civil Procedure, to repeal Sections 2023 and 2034 thereof, and to add two new sections thereto, to be numbered 2022 and 2023, all relating to depositions.
Assembly action: pp. 138, 1029, 1115, 1216, 1258, 1552, 1790.
Senate action: p. 1549.

288—Wyatt—An Act to amend Section 2012 of the Code of Civil Procedure, relating to affidavits.
Assembly action: pp. 138, 589, 687, 730, 946, 1343, 1552, 1790.
Senate action: p. 1548.

289—Wyatt—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.
Assembly action: pp. 138, 661, 728, 756, 951, 1552, 1790.
Senate action: p. 1549.

290—Wyatt—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.
Assembly action: pp. 138, 661, 728, 756, 951, 1552, 1791.
Senate action: p. 1549.

291—Wyatt—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.
Assembly action: pp. 138, 249, 267, 273, 293, 347, 360, 408, 438, 936, 1552, 1790.
Senate action: p. 1549.

292—McGuire—An Act to amend Section 3415 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to actions in the courts to determine contests concerning the purchase of land from the State.
Assembly action: pp. 138, 1839.

293—Cutten—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees selected or appointed for that purpose.
Assembly action: pp. 138, 1839.

294—Beardslee—An Act to provide for the erection of a dairy barn on the farm of the Stockton State Hospital, and to appropriate money therefor.
Assembly action: pp. 138, 412, 591, 621, 690, 707, 746, 1171, 1416.
Senate action: p. 1170.

295—Beardslee—An Act to provide for repairing the plumbing, installing new bathtubs and toilets and laying a cement flooring, and repairing the walls in the bathrooms and lavatories of the Stockton State Hospital, to appropriate money therefor and to authorize the expenditure of the same.
Assembly action: pp. 138, 412, 591, 621, 690, 707, 746, 1171, 1415.
Senate action: p. 1170.

296—Beardslee—An Act to provide for laying a cement sidewalk on California Street, along the property of the Stockton State Hospital, in the City of Stockton, to appropriate money therefor, and to authorize the expenditure of the same.
Assembly action: pp. 138, 505, 591, 622, 691, 794, 841, 1171, 1415.
Senate action: p. 1170.

297—Drew—An Act authorizing the Regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Assembly action: pp. 139, 351, 620, 1341.

298—Chandler—An Act to add a new section to the Political Code of the State of California, to be numbered 1625, and relating to penalties of boards of trustees and city boards of education for non-fulfillment of their official duties.
Assembly action: pp. 153, 238, 260, 268, 287, 661.
Senate action: p. 1060.

299—Chandler—An Act entitled an Act to amend Section 1581 of the Political Code of the State of California, relating to the formation of new school districts.
Assembly action: pp. 153, 239, 260, 268, 291, 340, 364, 369, 777, 845, 1071.
Senate action: p. 776.

300—Estudillo—An Act to amend Section 626*a* of the Penal Code of the State of California, relating to game and fish.
Assembly action: pp. 153, 963, 1340.

301—Estudillo—An Act to amend Section 637*a* of the Penal Code of California, relating to game and fish.
Assembly action: pp. 153, 963, 1341.

302—Hewitt—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, to be expended by and under the direction of said board, for the purpose of purchasing and operating necessary dredgers and machinery to be used in deepening and rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.
Assembly action: pp. 153, 366, 393, 395, 621, 1061.

303—Hewitt—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District No. 1 of Sutter County," approved March 20, 1874.
Assembly action: pp. 154, 263, 293, 343, 364, 370, 776, 982.
Senate action: p. 776.

304—Strobridge—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1675, relating to the issuance of diplomas to the graduates of the high schools of the State entitling the holders thereof to enter the University of California.
Assembly action: pp. 154, 897, 1001, 1097, 1125.

305—Strobridge—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1534, providing for the appointment of an Inspector of High Schools, defining his duties and fixing his compensation.
Assembly action: p. 154.

306—Strobridge—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and amended March 20, 1905, by amending Sections 3, 4, 5, and 6 of said Act, and by adding a new section to said Act, to be numbered Section 7½.
Assembly action: pp. 154, 365, 408, 411, 434, 464, 530, 1033, 1192.
Senate action: p. 1032.

307—Strobridge—An Act amending Section 1665 of the Political Code of the State of California, relative to studies to be taught in the primary and grammar schools.
Assembly action: pp. 154, 239, 260, 294, 339, 966, 1149.
Senate action: p. 966.

308—Strobridge—An Act amending Sections 1715 and 1716 of the Political Code of the State of California, relating to school libraries.
Assembly action: pp. 154, 238, 260, 268, 288, 614.
Senate action: p. 550.

309—Strobridge—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties, or cities and counties of the State.
Assembly action: pp. 154, 355.

310—Strobridge—An Act to amend Section 5 of "An Act regulating the employment and hours of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.
Assembly action: pp. 154, 449, 503, 513, 535, 902, 1148.
Senate action: p. 901.

311—Strobridge—An Act to amend Section 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.
Assembly action: pp. 154, 449, 503, 513, 534, 1552, 1789.
Senate action: p. 1551.

312—Strobridge—An Act appropriating two hundred and fifty thousand dollars ($250,000) to aid in the construction of an agricultural building, to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University of California, also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Assembly action: pp. 155, 898, 1546.

313—Strobridge—An Act providing for courses of study in agriculture and domestic science in high schools, and making an appropriation in aid thereof.
Assembly action: pp. 155, 1369, 1488, 1574, 1683, 1830, 1864.
Senate action: p. 1828.

314—Thompson of Los Angeles—An Act to amend Section 9 of an Act entitled "An Act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an Act entitled 'An Act creating a fund for the benefit and support of high schools and providing for its distribution,' approved March 2, 1903," approved March 6, 1905.
Assembly action: p. 155.

315—Thompson of Los Angeles—An Act amending Section 1503 of the Political Code of the State of California, relating to normal school diplomas.
Assembly action: pp. 155, 350, 374, 402, 458, 504, 602, 639.

316—Thompson of Los Angeles—An Act to amend Section 1820 of the Political Code, relating to the county school tax.
Assembly action: p. 155.

317—Thompson of Los Angeles—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1829, relative to district school taxes.
Assembly action: pp. 155, 350, 374, 410, 429, 461, 602, 639, 1840.

318—Thompson of Los Angeles—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.
Assembly action: p. 155.

319—Hans—An Act to amend Section 1543 of the Political Code of the State of California, relating to the general duties of school superintendents so as to provide for transferring the funds of lapsed school districts to the districts into which they are merged.
Assembly action: pp. 155, 263, 292, 344, 364, 370, 966, 1148.
Senate action: p. 965.

320—Cogswell—An Act making an appropriation of $7,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting a hospital building, and furnishing and equipping the same, at said school.
Assembly action: pp. 155, 365, 393, 394, 621, 657, 1343.

321—Cogswell—An Act making an appropriation of $3,500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of erecting at said school a building for manual training, and equipping the same.
Assembly action: pp. 155, 365, 394, 621, 657, 710, 911, 1343.

322—Cogswell—An Act making an appropriation of $1,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of purchasing fire hose and reels and appliances for fire protection for use of said school.
Assembly action: pp. 156, 365, 394, 395, 621, 657, 714, 755, 841, 1196, 1416.
Senate action: p. 1195.

323—Transue—An Act regulating the foreclosure of powers of sale, mortgages, deeds of trust containing powers of sale, and conveyances in trust, or otherwise, to secure debts or other obligations whereby the trustee is invested with power to sell the property, and prescribing the manner in which such powers of sale shall be exercised.
Assembly action: pp. 156, 1839.

324—Transue—An Act to amend Section 485 of the Political Code, relating to salaries of appointees of the Surveyor-General.
Assembly action: pp. 156, 362, 403, 411, 431, 659, 863, 1273.
Senate action: p. 657.

325—Leeds—An Act to amend Section 628*a* of the Penal Code, relating to striped bass.
Assembly action: pp. 156, 1788.

326—Leeds—An Act to amend Section 626*a*, 626*d*, 626*f*, and 626*k* of the Penal Code, relating to the taking or killing of game birds and animals.
Assembly action: pp. 156, 1788.

327—Leeds—An Act to add a new section to the Penal Code, to be known as Section 628½, relating to the taking of shrimps.
Assembly action: pp. 156, 963, 1106, 1146, 1161.

328—Leeds—An Act to amend Section 628*b* of the Penal Code, relating to the taking or killing of black bass.
Assembly action: pp. 156, 1788.

329—Sackett—An Act to amend Section 1697 of the Political Code, defining the length of school month.
Assembly action: pp. 156, 238, 260, 268, 287, 340, 369, 630, 730.
Senate action: p. 630.

330—Collister—An Act to provide for the investigation of the nature of the diseases known as pear blight and walnut blight, and to prevent, eradicate, and procure a cure for the same, and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations; making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.
Assembly action: pp. 156, 453, 621.

331—Kelly—An Act relating to pawnbrokers, companies, and corporations doing business as such, prescribing their duties and obligations, also prescribing penalties for the violation of any of the provisions of this Act.
Assembly action: pp. 156, 622, 1839.

332—Cornish—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.
Assembly action: pp. 156, 1788.

333—McClellan—An Act to amend Section 632 of the Penal Code of the State of California, relating to buying, selling, or taking of steelheads.
Assembly action: pp. 156, 1133, 1232, 1397, 1518, 1692, 1815.
Senate action: p. 1691.

334—Bishop—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.
Assembly action: pp. 157, 1839.

335—Bishop—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 274*a*, providing for the taking down and transcribing of instructions to jurors by judges of the Superior Court and for opinions rendered in cases before said Superior Court.
Assembly action: pp. 157, 272, 345, 364, 659, 863.
Senate action: p. 658.

336—Spaulding—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to replace and reconstruct and equip, for the accommodation and treatment of patients, buildings destroyed April 18, 1906; to appropriate the sum of $800,000 therefor; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost, and authorizing and directing the State Controller to draw his warrant for the said sum and the State Treasurer to pay the same.
Assembly action: pp. 157, 370, 651, 751, 779, 872, 876.

337—Spaulding—An Act making an appropriation of one thousand six hundred and twenty-one ($1,621) dollars to repay the Regents of the University of California for moneys appropriated by them to rebuild the barn of the Lick Observatory at Mount Hamilton, California, which was destroyed by fire, and prescribing the duties of the Controller and Treasurer of State in relation thereto.
Assembly action: pp. 157, 270.

338—Spaulding—An Act making an appropriation of five thousand ($5,000) dollars for the purpose of completing the photographic laboratory in combination with a fireproof vault for the purpose of storing the large and growing collection of astronomical photographs and plates at the Lick Observatory, etc.
Assembly action: pp. 157, 270.

339—Berry—An Act to add a new section to the Penal Code of California, to be numbered 357*a*, relative to preserving marks, brands, description, and sex of animals slaughtered.
Assembly action: pp. 157, 1839.

340—Eshleman—An Act to prevent the giving of rebates or special favors as an inducement to taking out of any life insurance policy within the State of California, and providing penalties for the violation hereof.
Assembly action: pp. 157, 512, 581, 647, 703, 1082, 1182, 1204, 1284.

341—Lynch—An Act to amend an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, by amending Section 13 of said Act.
Assembly action: pp. 157, 448, 502, 513, 533, 1521.

342—Lynch—An Act to amend Section 204 of the Code of Civil Procedure of the State of California, concerning the listing of grand and trial jurors.
Assembly action: pp. 157, 1839.

343—Johnson of Sacramento—An Act providing for an appropriation of $8,000 for the purpose of purchasing additional land along the south line of L Street, between Twenty-sixth and Twenty-eighth streets, in Sacramento City, so as to extend and improve the grounds in and about "Sutter's Fort."
Assembly action: pp. 157, 270.

344—Held—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.
Assembly action: pp. 158, 185, 270.

345—Held—An Act making an appropriation to pay the claim of Chas. J. Morf against the State of California.
Assembly action: p. 158.

346—John—An Act to amend Section 3648 of the Political Code, relating to the duties of supervisors.
Assembly action: pp. 158, 792.

347—Burke—An Act to authorize the depositing of county and municipal moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.
Assembly action: pp. 158, 1197, 1300, 1397, 1486.

348—Root—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.
Assembly action: pp. 158, 297, 356, 387, 396, 631, 660, 906, 1148.
Senate action: p. 629.

349—Stetson—An Act to amend Sections 4332 and 4333 of the Political Code of the State of California, relating to fees of public officers.
Assembly action: pp. 158, 388, 436, 540, 577.

350—Stetson—An Act to add a new section to the Political Code of the State of California, to be designated Section 2181*a*, relating to unclaimed money and property of patients at State hospitals.
Assembly action: pp. 158, 603, 672, 794, 851, 1045, 1051, 1766, 1849.
Senate action: p. 1761.

351—Stetson—An Act to amend Section 2146 of the Political Code of the State of California, relating to the acquisition and tenure of property by State hospitals.
Assembly action: pp. 158, 603, 674, 730, 753, 1830, 1851, 1863.
Senate action: pp. 1827, 1850.

352—Stetson—An Act to amend Section 2144 of the Political Code of the State of California, relating to the duties of medical superintendents or other persons in charge of State hospitals.
Assembly action: pp. 158, 603, 674, 730, 752, 1396, 1408, 1598.
Senate action: p. 1396.

353—Wyatt—An Act to amend an Act entitled "An Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court judges of the counties, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed," approved March 26, 1895.
Assembly action: pp. 158, 615, 675, 794, 852, 1769, 1849.
Senate action: p. 1762.

354—Chandler—An Act to amend Section 597*b* of the Penal Code, relating to cruelty to animals.
Assembly action: pp. 159, 542, 598, 618, 689, 1265, 1425.
Senate action: p. 1263.

355—Eshleman—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 1918 thereof, and by adding a new section immediately after Section 1918, to be numbered Section 1918*a*, relating to rate of interest that may be agreed upon in written instruments.
Assembly action: pp. 165, 388, 436, 458, 464.

356—Finney—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.
Assembly action: pp. 165, 351, 375, 386, 401, 429, 643, 984.

357—McClellan—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.
Assembly action: p. 165.

358—O'Brien—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate contracts on behalf of the State, in relation to erections and buildings,'" approved March 23, 1876, by amending Section 3 of said Act, and an Act amendatory thereof, approved March 27, 1895.
Assembly action: pp. 165, 414, 501, 602, 610.
Senate action: p. 1060.

359—O'Brien—An Act to amend an Act approved March 20, 1905, entitled "An Act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the State; to prevent deception in the sale of dairy products and to appropriate money for enforcing its provisions," by amending Sections 2 and 12, making provision for enforcing the above Act as amended by appropriating money therefor.
Assembly action: pp. 165, 413, 549, 622, 1547.

360—Birdsall—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.
Assembly action: pp. 165, 454, 622.

361—Birdsall—An Act to amend the Penal Code of the State of California, by adding three new sections thereto, to be numbered 556, 556*a*, and 556*b*, respectively, all relating to monopolies and the unreasonable increase of the prices of commodities in this State.
Assembly action: pp. 165, 261, 414, 501, 513, 533, 1833, 1857, 1864.
Senate action: p. 1830.

362—Strobridge—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1866, relating to medical examination of pupils in public schools.
Assembly action: p. 166.

363—Collister—An Act to amend Section 12 of an Act entitled "An Act to define the duties of and to license land surveyors, approved March 31, 1891.
Assembly action: pp. 166, 623, 1839.

364—Cogswell—An Act to amend Section 5 of an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897, relating to the compensation of local inspectors working under county boards of horticultural commissioners.
Assembly action: pp. 166, 299, 357, 377, 397, 1830, 1864.
Senate action: p. 1827.

365—Berry—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 181 thereof, relating to the fees and salaries of county and township officers in counties of the twenty-fourth class.
Assembly action: pp. 166, 351, 375, 410, 429.

366—Drew—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Sections 7, 10, and 12 thereof.
Assembly action: pp. 166, 449, 502, 602, 637, 706, 751, 1834, 1864.
Senate action: p. 1830.

367—Kelly—An Act to insure the better education of practitioners of naturopathy, and to regulate the practice of naturopathy in the State of California, providing penalties for the violation hereof.
Assembly action: p. 166.

368—Kelly—An Act to amend Section 1918 of the Civil Code, relating to the rate of interest to be charged on loans and to add a new section to the Civil Code, to be known as and numbered 1921, relating to the recovery of overpaid interest and to add a new section to the Civil Code, to be known as and numbered as 1922, relating to the collection of interest upon interest, and to repeal Section 1919 of said Civil Code.
Assembly action: pp. 166, 1839.

369—Thompson of San Francisco—An Act to prevent corrupt practices in regard to elections, and to repeal an Act approved April 23, 1903, entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," together with the amendment thereto.
Assembly action: pp. 166, 423, 739.

370—Lucas—An Act to amend Section 601 of the Code of Civil Procedure, relating to challenges in civil cases.
Assembly action: pp. 167, 388, 436, 540, 577, 645, 688.
Senate action: p. 1171.

371—Thompson of Los Angeles—An Act authorizing municipalities to declare noxious weeds growing upon public streets to be a nuisance, providing a means for the abatement of such nuisance, and creating a lien upon property fronting upon streets upon which such nuisance exists for the cost of abating the same.
Assembly action: pp. 167, 273, 346, 386, 426, 529, 574, 595, 749, 1314, 1557, 1645.
Senate action: p. 1312.

372—Johnson of Sacramento—An Act to enable executor to compel persons having in their possession copies of accounts, exhibits under oaths, inventories, and other documents relating to the probate of any estate which was in course of probate on the 18th of April, 1906, and the records whereof, filed with the Superior Court of this State, were burned in whole or in part by the fire occurring on or about 18th of April, 1906, which fire burned a portion of the City of San Francisco, to deliver said copies to such executor or executors upon demand made for them, or any of them, accompanied by a copy of an order of court requiring their delivery to such executor or executors; that such executor or executors may make therefrom true and correct copies to be used as records in the matter of the probate of such estates; and thereafter to redeliver said copies so produced to the parties from whom they were produced.
Assembly action: pp. 167, 362.

373—Johnson of Sacramento—An Act to enable executors to sell real property or interests in real property belonging to estates now in probate, without filing a petition as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accounting filed in the Superior Courts were in whole or in part destroyed by the fire of on or about April 18, 1906, which burned a portion of the City of San Francisco.
Assembly action: pp. 167, 362, 403, 411, 431, 448.

374—Johnson of Sacramento—An Act to add a new section to the Code of Civil Procedure, to be numbered 1060, in relation to undertakings.
Assembly action: pp. 167, 297, 356, 387, 397.

375—Johnson of Sacramento—An Act to enable executors to sell real property or interests in real property belonging to estates now in probate, without filing a petition as provided by Section 1537 of the Code of Civil Procedure, in all cases where the accounting filed in the Superior Courts were in whole or in part destroyed by the fire of on or about April 18, 1906, which burned a portion of the City of San Francisco.
Assembly action: pp. 167, 587, 588.

376—Butler—An Act providing for the building of cottages for guards at the State Prison at San Quentin, and appropriating money therefor.
Assembly action: pp. 167, 448, 493, 622, 861, 880, 1546.

377—Butler—An Act to add a new section to the Political Code, to be known as Section 1195½, relating to constitutional amendments.
Assembly action: pp. 167, 739, 783, 871, 988.

378—Butler—An Act to amend Section 1388 of the Civil Code, relating to succession to the estates of illegitimates.
Assembly action: pp. 168, 509, 581, 648, 650.

379—Butler—An Act to add a new section to the Penal Code, to be numbered Section 928*a*, and relating to the powers of grand juries.
Assembly action: pp. 168, 169, 509, 581, 616, 668, 794, 849.

380—Bush—An Act authorizing and directing the Board of Managers of the Napa State Hospital to purchase and install a home telephone system at the Napa State Hospital, between the various wards and departments thereof, and making an appropriation therefor.
Assembly action: pp. 168, 797, 861, 998, 1087, 1271.

381—Bush—An Act authorizing and directing the completion of the dam and storage reservoir, now partly constructed, at the Napa State Hospital, and laying a pipe line from said reservoir, and construction of a concrete receiving tank or house supply reservoir, and making an appropriation therefor.
Assembly action: pp. 168, 797, 900, 998, 1088, 1097.

382—Bush—An Act authorizing and directing the remodeling and furnishing of the main kitchen at the Napa State Hospital, and making an appropriation therefor.
Assembly action: pp. 168, 797, 1547.

383—Wyatt—An Act to amend the Civil Code, by adding a new section thereto, to be numbered 1828, relating to delivery of payment of deposit made in the names of two or more persons.
Assembly action: pp. 168, 249, 388, 436, 458, 464, 530, 902, 1148.
Senate action: p. 901.

384—Wyatt—An Act to repeal Section 384 of the Civil Code, relating to the power of the Legislature to repeal Part IV of Division First of said Code, or any title, chapter, article, or section thereof.
Assembly action: pp. 168, 249, 267, 273, 293, 337, 360, 386, 408, 438, 937, 1552, 1789.
Senate action: p. 1550.

385—Cornish—An Act to amend Sections 628, 628*a*, 628*b*, 632, and 634 of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 632*b*, all relating to the protection and preservation of fish.
Assembly action: pp. 168, 1788.

386—Weske—An Act to amend Section 627 of the Penal Code of the State of California, relating to hunting, shooting, and trespassing upon enclosed, cultivated, and other private lands.
Assembly action: pp. 168, 693, 1329, 1360, 1583.

387—Coghlan—An Act to amend Section 1140 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by providing that trial jurors in criminal cases shall be discharged after retirement for deliberation within a certain number of hours.
Assembly action: pp. 176, 654, 718, 844, 913, 1692, 1708, 1816.
Senate action: p. 1692.

388—Coghlan—An Act to amend Section 4116 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to county officers who must have their offices at the county seat, and the hours during which such offices must be kept open for the transaction of business, and relating also to hours and rules of judges of the Superior Court.
Assembly action: pp. 176, 1839.

389—Coghlan—An Act entitled an Act to amend Section 756 of the Political Code of the State of California, and providing for the amount and the time and manner of payment of and making an appropriation to pay the salaries of the chief deputy clerk and the deputy clerks of the Supreme Court.
Assembly action: pp. 176, 546, 600, 618, 648, 966, 1149.
Senate action: p. 965.

390—Hewitt—An Act to provide for experimental work in tobacco culture in the State of California, and making an appropriation therefor.
Assembly action: pp. 176, 299, 357, 620, 701, 757, 798, 886, 1404, 1598.
Senate action: p. 1402.

391—Hewitt—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology and the appointment of a State Plant Pathologist for this purpose, and making an appropriation therefor.
Assembly action: pp. 176, 363, 405, 621.

392—Johnson of Sacramento—An Act to limit the authority of judges of the Superior Court in certain cases.
Assembly action: pp. 176, 388, 436.

393—Johnson of Sacramento—An Act to amend Section 486 of the Civil Code.
Assembly action: pp. 176, 414, 501, 525, 533.

394—Johnson of Sacramento—An Act amendatory of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, by amending Section 29 thereof, and making an appropriation of $25,000 to carry out the purposes of said Act.
Assembly action: pp. 177, 271.

395—Johnson of Sacramento—An Act imposing a license tax upon itinerant vendors, peddlers, and canvassers of agricultural and domestic implements and machinery and wagons, buggies, vehicles, and other articles, providing for the collecting thereof, and making the violations of this Act a misdemeanor.
Assembly action: pp. 177, 546, 636, 707, 749, 840.

396—Johnson of Sacramento—An Act to appropriate the sum of $100,000 to pay the unpaid scrip of delegates to the convention framing the Constitution of the State of California.
Assembly action: pp. 177, 271, 1547.

397—Johnson of Sacramento—An Act to appropriate the sum of $600 to pay the unpaid scrip issued to delegates to convention framing the Constitution of the State of California.
Assembly action: pp. 177, 271, 1547.

398—Johnson of Sacramento—An Act to prevent the adulteration of paints, oils, varnishes, and pigments.
Aessembly action: pp. 177, 398, 408, 411, 434, 529, 773, 865, 1265, 1425.
Senate action: p. 1263.

399—Johnson of Sacramento—An Act to amend Section 1517 of the Political Code, as amended in the year 1905, relating to the formation of school districts.
Assembly action: p. 177.

400—Strobridge—An Act to amend Section 1551 of the Political Code, relating to duties of school superintendents.
Assembly action: pp. 177, 299, 357, 387, 398, 426, 460, 595, 596, 637.

401—Strobridge—An Act to amend Section 1634 of the Political Code, relating to the duties of census marshal.
Assembly action: pp. 177, 299, 357, 387, 398, 426, 460, 596, 637.

402—Strobridge—An Act to add a new section to the Political Code of California, to be known as Section 1641, relating to and defining who are census children.
Assembly action: pp. 177, 299, 357, 387, 398, 427, 460, 596, 638, 1034, 1192.
Senate action: p. 1033.

403—Campbell—An Act in relation to the attendance of pupils in the high schools of the State of California.
Assembly action: pp. 177, 299, 357, 377, 398, 427, 460, 527, 558.

404—Drew—An Act to amend Title I of Part IV of the Civil Code of the State of California by adding a new section thereto, to be numbered Section 1002, prohibiting the acquisition of real property by aliens.
Assembly action: pp. 177, 388, 435, 540, 639, 790, 1058, 1081, 1182, 1204.

405—Thompson of San Francisco—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by adding a new section thereto, to be known as Section 6*a*, and relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in case of the loss or destruction of public records," approved June 16, 1906.
Assembly action: pp. 178, 596, 739.

406—Thompson of San Francisco—An Act to amend Section 1174 of the Code of Civil Procedure of the State of California, relating to the verdict of the jury and judgment of the court in forcible entry or forcible or unlawful detainer cases.
Assembly action: pp. 178, 414, 501, 525, 533, 871, 1071.
Senate action: p. 869.

407—Strohl—An Act to amend an Act entitled "An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in public schools of the State," approved March 5, 1903.
Assembly action: p. 178.

408—Percival—An Act to add a new section to the Political Code, to be numbered Section 2656, and relating to the division of general road funds upon the incorporation of municipalities or annexation to municipalities.
Assembly action: pp. 178, 350, 374, 387, 400, 902, 1148.
Senate action: p. 902.

409—Percival—An Act to provide work upon public roads, streets, avenues, boulevards, lanes, and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts.
Assembly action: pp. 178, 587, 669, 697, 921, 1338, 1597.
Senate action: p. 1337.

410—Lucas—An Act to amend Section 1372 of the Political Code of the State of California relating to the territory of this State within which primary elections shall be obligatory and mandatory.
Assembly action: pp. 180, 700, 780, 875, 882, 974, 1070.

411—Transue—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor," approved March 18, 1899, and as amended March 20, 1905.
Assembly action: pp. 180, 298, 620, 1349, 1418.

412—Transue—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the officers of a township.
Assembly action: pp. 180, 351, 374, 387, 400, 631, 730.
Senate action: p. 629.

413—Cornish—An Act to reduce the number of judges in the Superior Court of the County of Shasta from two to one.
Assembly action: pp. 180, 297, 356, 377, 396.

414—Cornish—An Act to aid the County of Modoc in the construction of permanent work on the county road between Alturas and Cedarville, and making an appropriation therefor.
Assembly action: pp. 180, 271, 962, 1069, 1146, 1187, 1692, 1815.
Senate action: p. 1691.

415—Kelly—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.
Assembly action: pp. 180, 543, 599, 618, 644, 1396, 1408, 1599.
Senate action: p. 1396.

416—Devlin—An Act to provide for the regulation of the business of watchman, guards, and private detectives in the State of California, to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.
Assembly action: pp. 181, 740, 784, 871, 979, 1070, 1184, 1217, 1317, 1370.

417—Devlin—An Act to appropriate money for the deficiency in the appropriation for the current fiscal year to pay the expenses of the Supreme Court under Section 47 of the Code of Civil Procedure.
Assembly action: pp. 181, 271, 702, 781, 798, 844, 1196, 1416.
Senate action: p. 1195.

418—Spaulding—An Act to amend Section 737 of the Political Code, relating to salaries of superior judges.
Assembly action: pp. 181, 1792.

419—Spaulding—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto.
Assembly action: pp. 181, 655, 724, 760.

420—Eshleman—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work, and known as Children's Home Finding Society.
Assembly action: pp. 181, 452, 668, 795, 912.

421—Eshleman—An Act declaring the growth or existence of certain noxious weeds, and the depositing or accumulation of rubbish on vacant property within municipalities to be a nuisance, and providing that the same may be abated by order of the legislative body of such municipality, and the cost of such abatement made a lien upon the property, and providing for the enforcement of such lien.
Assembly action: pp. 181, 1113, 1148.

422—Sackett—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.
Assembly action: pp. 181, 299, 358, 377, 398, 427, 460, 576, 594, 646.

423—Sackett—An Act to amend Section 2653 of the Political Code, relating to property highway tax.
Assembly action: pp. 181, 657, 717, 844, 1205, 1289, 1349.

424—Smith—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class," approved March 16, 1903."
Assembly action: pp. 181, 1792.

425—Wyatt—An Act to amend Section 7 of the Civil Code, relating to holidays.
Assembly action: pp. 182, 1839.

426—Wyatt—An Act to amend Section 593 of the Civil Code, relating to the formation of corporations for purposes other than profit.
Assembly action: pp. 182, 505, 537, 547, 642, 752, 885, 1552, 1790.
Senate action: p. 1549.

427—Wyatt—An Act to amend Section 954 of the Code of Civil Procedure, relating to the dismissal of appeals.
Assembly action: pp. 182, 589, 685, 730, 942, 1552, 1790.
Senate action: p. 1549.

428—Pyle—An Act making an appropriation for searching for beneficial insects.
Assembly action: pp. 240, 271, 702, 764, 798, 931, 1692, 1815.
Senate action: p. 1691.

429—Committee on Ways and Means—An Act making an appropriation to pay the claim of C. W. R. Koke, for services performed as acting guardian at the Marshall monument, at Coloma, from October 20, 1905, to February 6, 1906, during which period there was no regularly appointed guardian, and no salary paid for the same (the payment of which claim has been approved by the State Board of Examiners, in accordance with the provisions of law).
Assembly action: pp. 240, 266, 270, 273, 289, 584, 666, 982.
Senate action: p. 583.

430—Committee on Ways and Means—An Act making an appropriation for the transportation of prisoners and insane for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.
Assembly action: pp. 240, 266, 270, 273, 289, 340, 386, 395, 425, 659, 863.
Senate action: p. 658.

431—Committee on Ways and Means—An Act appropriating money for the use of the State Dairy Bureau for the remainder of the fifty-eighth fiscal year, the expenditure of which has been approved by the State Board of Examiners.
Assembly action: pp. 240, 266, 270, 273, 289, 551, 613.
Senate action: p. 550.

432—Committee on Ways and Means—An Act appropriating money to pay the funeral expenses of the late Controller, Edward P. Colgan.
Assembly action: pp. 240, 266, 270, 273, 289, 631, 730, 1274.
Senate action: p. 629.

433—Committee on Ways and Means—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the fifty-seventh and fifty-eighth fiscal years.
Assembly action: pp. 240, 266, 270, 273, 289, 551, 613.
Senate action: p. 550.

434—Campbell—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be known and numbered Section 317½, prohibiting the publication of certain advertisements.
Assembly action: pp. 240, 1398, 1529, 1567, 1721.

435—Campbell—An Act to provide for the payment of the bounty due Joseph Schwindel under "An Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds," approved April 4, 1864, and making an appropriation therefor.
Assembly action: pp. 240, 271, 1546.

436—Thompson of San Francisco—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Subdivision 1, Section 6, of said Act.
Assembly action: pp. 241, 739.

437—Spaulding—An Act prohibiting the sale of any fruit tree or fruit trees of a certain kind, variety, or description, and the delivery thereafter with the intent to deceive to the purchaser of a fruit tree or fruit trees of a different kind, variety, or description, and providing penalties for the violation thereof, and prescribing the time within which prosecutions under this Act may be commenced.
Assembly action: pp. 241, 453, 536, 617, 689.

438—Spaulding—An Act prohibiting the placing, painting, printing, sticking, posting, or otherwise affixing upon any fence, structure, pole, rock, or other object, which is the property of another, any word or words, device, trademark, advertisement or notice, except such as required by law, without having first obtained the consent in writing of the owner or tenant of said property, and providing a penalty for the violation thereof, and providing for the obliteration of any word or words, device, trademark, or notice, placed, printed, painted, stuck, posted, or otherwise affixed upon any fence, structure, pole, rock, or other object, in violation thereof.
Assembly action: pp. 241, 699, 761, 875, 895, 982, 1051, 1766, 1849.
Senate action: p. 1761.

439—Hartmann (by request)—An Act to regulate the sale of poisons in the State of California, and providing a penalty for the violation thereof.
Assembly action: pp. 241, 413, 499, 603, 640, 1033, 1192.
Senate action: p. 1032.

440—Hartmann (by request)—An Act to amend the title and Sections 7, 9, 12, 13, 14, 15, 16, and 17 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905.
Assembly action: pp. 241, 413, 499, 617, 640, 707, 847.

441—Hartmann (by request)—An Act to amend the title and Section 2 of an Act entitled "An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities," approved March 20, 1903.
Assembly action: pp. 241, 363, 406, 411, 432, 463, 606, 697, 750.

442—Strohl—An Act to amend Section 634 of the Penal Code of the State of California, relating to the protection and preservation of fish.
Assembly action: pp. 241, 1788.

443—McClellan—An Act to amend Sections 8 and 15 of an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employés thereof, and to provide for the compensation of said officers and employés, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April 1, 1897.
Assembly action: pp. 241, 653, 1546.

444—McMullin—An Act to add a new section to the Penal Code, to be known and designated as Section 537, relating to the hiring of personal property by keepers or bailees thereof.
Assembly action: pp. 242, 1839.

445—Barry—An Act to amend Sections 319, 320, 321, 322, 323, 324, 325, and 326 of the Penal Code of the State of California.
Assembly action: pp. 242, 699, 762, 875.

446—Johnson of Sacramento—An Act to pay the claim of the County of Sacramento against the State of California.
Assembly action: pp. 242, 958, 1220, 1230, 1286, 1295, 1604, 1814.
Senate action: p. 1602.

447—Johnson of Sacramento—An Act to amend Section 483 of the Civil Code, relating to the furnishing of room and accommodations for passengers on railroad trains.
Assembly action: pp. 242, 388, 436, 448, 540, 607, 636, 906, 1389, 1596, 1540.

448—Johnson of Sacramento—An Act to add a new section to the Civil Code, to be known and numbered as Section 468*a*, providing for the management of railroad trains in crossing drawbridges.
Assembly action: pp. 242, 536, 587, 670, 794, 1082.

449—Johnson of Sacramento—An Act to grant permission to the "Sacramento Society of California Pioneers" to erect a memorial building on the grounds of the Sutter's Fort Park, in Sacramento City.
Assembly action: pp. 242, 454, 536, 547, 580, 1171, 1416.
Senate action: p. 1170.

450—Johnson of Sacramento—An Act to add a new section to the Penal Code, to be known and numbered as Section 393*b*, providing a penalty on corporations for any loss of life occasioned by its negligence or the negligence of its agents or servants.
Assembly action: pp. 242, 1839.

451—Johnson of Sacramento—An Act to give permanency to the decisions of the Supreme Court.
Assembly action: pp. 242, 1596.

452—Cornish—An Act to amend Sections 626, 626*a*, 626*d*, 626*g*, 626*j*, 627*b*, and 637*a* of the Penal Code of the State of California, and to add to said Penal Code a new section, to be numbered 637*b*, all relating to the protection and preservation of game and fish.
Assembly action: pp. 242, 1133, 1232, 1359, 1371.
Senate action: p. 1829.

453—Transue—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, by amending Section 5 thereof, in relation to practicing without a certificate.
Assembly action: pp. 242, 1839.

454—Walsh—An Act to amend Section 348 of the Code of Civil Procedure of California, relating to the time within which actions must be commenced.
Assembly action: pp. 242, 363, 405, 411, 432, 462, 529, 579.

455—Kelly—An Act providing that in any city or city and county in this State where by general law or by charter the board of police commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulations violated, and providing that such penalty shall in all cases be reasonable and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.
Assembly action: pp. 242, 543, 599, 618, 647, 1396, 1409, 1599.
Senate action: p. 1396.

456—Drew—An Act to repeal Article XVI of Chapter III, Part III, Title I, of the Political Code, and each and every section of said title, and Sections 447, 448, 449, and 451 of the Civil Code, and to substitute a new Article XVI to take the place thereof in said Political Code, relating to insurance.
Assembly action: pp. 243, 351, 655, 720, 872, 1150, 1195, 1202, 1205, 1338, 1597.
Senate action: p. 1337.

457—Drew—An Act to amend Section 439 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.
Assembly action: p. 243.

458—Eshleman—An Act to appropriate $10,000 for the establishment of a school of forestry at the University of California, and specifying the duties of the Controller and Treasurer of the State in relation thereto.
Assembly action: pp. 243, 620, 900, 1066, 1146, 1160, 1833, 1863.
Senate action: p. 1830.

459—Cogswell—An Act amending Section 692 of the Code of Civil Procedure, relating to the notice of sale of property on execution.
Assembly action: pp. 243, 500, 525, 532, 1267, 1425.
Senate action: p. 1264.

460—Hewitt—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved March 1, 1897, and amended March 23, 1901, by amending Section 203 thereof, relating to the compensation of officers of counties of the forty-sixth class.
Assembly action: pp. 243, 363, 406, 458, 463, 1034, 1192.
Senate action: p. 1033.

461—Hewitt—An Act to amend Sections 1, 3, 4, 5, 6, 7, 9, 10, 13, 14, and 20 of an Act entitled "An Act to promote drainage," approved March 18, 1885.
Assembly action: pp. 244, 510, 581, 647, 689, 1338, 1598.
Senate action: p. 1337.

462—Sackett—An Act to amend Section 443 of the Political Code, relative to State school tax.
Assembly action: pp. 244, 299, 358, 377, 398, 427, 530, 576, 1036, 1192.
Senate action: p. 1033.

463—Hartmann (by request)—An Act to regulate the use of meters for the purpose of measuring water by persons or corporations distributing the same for sale.
Assembly action: pp. 244, 637.

464—Hartmann—An Act to amend Section 629 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to gas corporations.
Assembly action: pp. 244, 1839.

465—Stetson—An Act to provide for a ballot, to be denominated "Candidates' Ballot," to be used at primary elections in this State; to provide for the form, constitution, and voting thereof; the counting and canvass of such votes, and certifying of returns thereof to political conventions and officers of political parties; limiting and prescribing the acts of political conventions with reference to nominations for public office; defining certain terms used in this Act; determining the manner of ascertaining the number of qualified electors for the purpose of this Act; providing for the payment of expenses incurred hereunder; making the subject-matter of this Act a part of the primary election system of this State; providing penalties for violation of this Act and repealing all Acts and parts of Acts in conflict herewith.
Assembly action: pp. 244, 624.

466—Whitmore—An Act to amend Section 574 of the Civil Code, relating to savings and loan corporations.
Assembly action: pp. 244, 509, 581, 602, 642, 1552, 1726.
Senate action: p. 1550.

467—O'Brien—An Act providing for an appropriation of one thousand dollars ($1,000) for the purpose of constructing cement curbing and gutters around the grounds of Sutter's Fort.
Assembly action: pp. 244, 620, 1546.

468—O'Brien—An Act providing for the appropriation of three thousand dollars ($3,000) for the purpose of improving the grounds of Sutter's Fort.
Assembly action: pp. 244, 620.

469—O'Brien—An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of said gardener.
Assembly action: pp. 244, 620.

470—O'Brien—An Act providing for an appropriation of $600 for the purpose of putting a new roof and floor to the "Distillery" at Sutter's Fort.
Assembly action: pp. 244, 620.

471—Strobridge (by request)—An Act providing for the extermination of the Boophilus annulatus tick, defining certain crimes and providing for certain civil and criminal actions.
Assembly action: pp. 245, 1844.

472—Wyatt—An Act to amend the Political Code, by amending Section 3766 thereof, relating to the publication of delinquent tax list.
Assembly action: p. 245.

473—Wyatt—An Act to amend Sections 752 and 757 of the Code of Civil Procedure, relating to actions for the partition of real property.
Assembly action: pp. 245, 589, 590, 772, 888, 910, 992, 1830, 1863.
Senate action: p. 1829.

474—Wyatt—An Act to amend Sections 2787, 2789, and 2802 of the Political Code, relating to the construction of toll roads.
Assembly action: pp. 245, 589, 686, 730, 765, 872, 945, 1552, 1790.
Senate action: p. 1549.

475—Weske—An Act to provide for the re-appropriation of money appropriated by an Act entitled "An Act to provide for the erection of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, and appropriate money therefor," approved March 18, 1905, and to change and redirect the manner of expenditure thereof.
Assembly action: pp. 250, 793, 1413, 1486, 1509, 1572.

476—Committee on Ways and Means—An Act making an appropriation for the contingent expenses of the Bureau of Labor Statistics for the remainder of the fifty-eighth fiscal year.
Assembly action: pp. 250, 271, 291, 296, 341, 551, 613.
Senate action: p. 550.

477—Committee on Ways and Means—An Act making an appropriation for the contingent expenses of the State Veterinarian for the fifty-sixth, fifty-seventh, and fifty-eighth fiscal years.
Assembly action: pp. 250, 271, 291, 296, 341, 386, 425, 659, 863.
Senate action: p. 658.

478—Committee on Ways and Means—An Act making an appropriation to pay the claim of Frank Higgins for legal services rendered and expenses incurred by him as special counsel for the State of California from July 10 to October 21, 1905, in the matter of the extradition of Geo. D. Collins from British Columbia (the payment of which claim has been approved by the State Board of Examiners in accordance with the provisions of law).
Assembly action: pp. 250, 271, 291, 296, 341, 510, 559, 612.
Senate action: p. 1338.

479—Committee on Ways and Means—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Controller's office, for the fifty-eighth fiscal year.
Assembly action: pp. 251, 271, 291, 296, 341, 551, 613.
Senate action: p. 550.

480—Committee on Ways and Means—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-sixth and fifty-seventh fiscal years.
Assembly action: pp. 251, 271, 291, 296, 342, 386, 425, 659, 863.
Senate action: p. 658.

481—Committee on Ways and Means—An Act appropriating money to pay the rental, cost of moving and other necessary expenses incurred, and to be incurred, by the different State officers who were forced to find temporary quarters during the present repair work to the State Capitol building.
Assembly action: pp. 251, 271, 291, 296, 342, 551, 613.
Senate action: p. 550.

482—Committee on Ways and Means—An Act appropriating money to pay the deficiency allowed by the State Board of Examiners in the appropriation made by "An Act to appropriate money to protect the banks of Eel River from erosion by means of jetty work along the banks thereof," approved March 22, 1905.
Assembly action: pp. 251, 271, 291, 296, 342, 551, 613.
Senate action: p. 550.

483—Committee on Ways and Means—An Act making an appropriation to pay the deficiency in the appropriation for postage and contingent expenses of the Clerk of the Supreme Court for the fifty-seventh and fifty-eighth fiscal years.
Assembly action: pp. 251, 271, 291, 296, 343, 551, 613.
Senate action: p. 550.

484—Lucas—An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof.
Assembly action: pp. 251, 731, 782, 872, 987, 1097, 1124, 1552, 1726.
Senate action: p. 1550.

485—Costar—An Act to amend Section 1576 of the Political Code of the State of California, relating to the formation of school districts, providing for the addition of territory thereto, and taxation thereof.
Assembly action: pp. 251, 413, 500, 526, 531, 965, 1149.

486—Birdsall—An Act to appropriate money for the general improvement and completion of survey of the Lake Tahoe wagon road, and for the construction of restraining walls, culverts, bridges, and milestones thereon.
Assembly action: pp. 251, 620, 701, 763, 875, 931, 1338, 1598.
Senate action: p. 1337.

487—Berry—An Act to amend Section 3909 of the Political Code, relative to the boundary line of Del Norte County.
Assembly action: pp. 251, 1844.

488—Transue—An Act providing for the cancellation of bonds given to secure the performance of the conditions of franchises or privileges, the exoneration of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.
Assembly action: pp. 251, 298, 356, 387, 397.

489—Case (by request)—An Act to amend an Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays, approved March 23, 1901.
Assembly action: pp. 251, 1839.

490—Ludington—An Act to amend Section 637*a* of the Penal Code of California, and to add thereto four new sections, to be numbered 637*b*, 637*c*, 637*d*, and 637*e*, all relating to protection of wild birds, other than game birds, and their nests and eggs.
Assembly action: pp. 252, 1055, 1109, 1216, 1294.

491—Stanton (by request)—An Act amending Sections 2, 5, 7, and 9 of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof," becoming a law February 25, 1901.
Assembly action: pp. 252, 543, 648, 1196, 1268, 1553, 1816.
Senate action: pp. 1196, 1264, 1551.

492—Stanton (by request)—An Act authorizing any incorporated city, town, or municipal corporation to lease, acquire by purchase, condemnation, or otherwise, and hold and use, lands and other necessary property, for the purpose of constructing, equipping, using, maintaining, and operating, and to construct, equip, use, maintain, and operate any works, road, railroad, tramway, power plant, telephone or telegraph line, or other necessary works or structures, for the purpose of preparing, manufacturing, handling, or transporting materials or supplies required in the construction or completion of any public work, improvement, or utility, or for the purpose of maintaining or operating any such work, improvement, or utility.
Assembly action: pp. 252, 1840.

493—Wyatt—An Act to amend Section 173 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, as amended March 20, 1905, relating to county and township officers of counties of the sixteenth class.
Assembly action: pp. 252, 351, 375, 386, 401, 902, 1148.
Senate action: p. 902.

494—Finney—An Act to provide for the survey and construction of a State highway from Red Bluff, California, to Eureka, California, in Tehama, Trinity, and Humboldt counties, and making an appropriation therefor.
Assembly action: p. 252.

495—Estudillo—An Act to amend Section 340 of the Penal Code of the State of California, relating to pawnbrokers.
Assembly action: pp. 252, 772, 887, 991.

496—Stetson—An Act to amend Section 1763 of the Code of Civil Procedure of the State of California, with reference to the appointment of guardians of insane and other incompetent persons.
Assembly action: pp. 252, 674, 730, 752, 1797, 1862.
Senate action: p. 1796.

497—Walsh—An Act to add a new section to the Penal Code of the State of California, to be numbered 374*a*, providing for safeguards against the pollution of waters used for domestic purposes.
Assembly action: pp. 261, 363, 406, 411, 433.

498—Walsh—An Act to add a new section to the Political Code of the State of California, to be known as Section 2979*a*, relating to duties of the State Board of Health.
Assembly action: pp. 261, 363, 406, 411, 433, 793.

499—Walsh—An Act making an appropriation to carry out the provisions of Section 2979*a* of the Political Code of the State of California.
Assembly action: pp. 261, 363, 405, 621, 1220, 1300, 1317, 1525, 1797, 1862.
Senate action: p. 1795.

500—Johnson of Sacramento—An Act to add a new section to the Code of Civil Procedure, relating to juries, to be known and numbered as Section 605.
Assembly action: pp. 261, 388, 437, 540, 578.
Senate action: p. 1829.

501—Wyatt—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.
Assembly action: pp. 262, 297, 356, 387, 396, 426, 460, 526, 558, 607.

502—Eshleman—An Act making an appropriation of $50,000 to increase the salaries of the members of the teaching staff of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.
Assembly action: pp. 265, 337, 1837.

503—Cornish—An Act to provide for closed and open season for ducks.
Assembly action: pp. 265, 1788.

504—Whitmore—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, by amending Section 1 thereof, and by adding a new section, to be known as Section 18*a*.
Assembly action: pp. 265, 412, 1261, 1331, 1360, 1584.

505—Sackett—An Act to amend Section 1532 of the Political Code, relating to the duties of the Superintendent of Public Instruction.
Assembly action: pp. 266, 299, 358, 377, 398, 427, 530, 638, 967, 1149.
Senate action: p. 966.

506—Berry—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 212 thereof, relating to the compensation of officers of counties of the fifty-fifth class.
Assembly action: pp. 266, 363, 407, 458, 463, 966, 1148.
Senate action: p. 965.

507—Berry (by request)—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered 298, relating to the cremation of the dead bodies of human beings.
Assembly action: pp. 266, 363, 406, 411, 433, 463, 597, 645, 688, 750, 845.

508—Lynch—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.
Assembly action: pp. 281, 449, 502, 602, 641, 902, 1148.
Senate action: p. 901.

509—Sackett—An Act to amend Section 1663 of the Political Code, relating to duties of county boards of education.
Assembly action: pp. 281, 366, 408, 435, 540, 577.
Senate action: p. 1060.

510—Sackett—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1893, relating to persons or societies using the name of schools, high schools, colleges, or universities, without consent of trustees, and making penalty for same.
Assembly action: pp. 281, 393.

511—Hans—An Act to amend an Act entitled "An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of the State," approved March 5, 1903.
Assembly action: p. 281.

512—Wilson—An Act regulating the hours of labor of women, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof.
Assembly action: pp. 281, 548, 600, 618, 649, 1396, 1406, 1598.
Senate action: p. 1395.

513—Wilson—An Act to amend Sections 1 and 2 of an Act entitled "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.
Assembly action: pp. 281, 548, 600, 618, 649, 1830, 1864.
Senate action: p. 1827.

514—McClellan—An Act to provide for the organization, management, and control of mutual fire insurance corporations.
Assembly action: p. 281.

515—Berry—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 646*b*, relating to the payment of fees for the shipment of seamen and apprentices.
Assembly action: pp. 281, 1837.

516—Berry—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered six hundred and forty-six *a* (646*a*), relating to the shipment of seamen and apprentices, and the fees that may be charged therefor.
Assembly action: pp. 281, 1837.

517—Berry—An Act to appropriate $20,000 out of any money in the State treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County.
Assembly action: pp. 282, 620, 1057, 1110, 1197, 1221, 1404, 1598.
Senate action: p. 1402.

518—Thompson of Los Angeles (by request)—An Act to add a new section to the Code of Civil Procedure, to be designated section eleven hundred and sixty-six *a* (1166*a*), relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of the complaint, the form and amount of the undertaking, and the form of the writ of ejectment, and the manner of executing and serving the writ.
Assembly action: pp. 282, 1058, 1147.

519—Forbes—An Act to amend Section 39 of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897.
Assembly action: pp. 282, 542, 598, 618, 643, 689.

520—Higgins—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and permitting municipal corporations of the sixth class to incur certain indebtedness during the first year of their existence.
Assembly action: pp. 282, 1840.

521—Coghlan (by request)—An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California.
Assembly action: pp. 282, 739, 1058, 1837.

522—Coghlan—An Act to amend an Act entitled "An Act to regulate the work and hours of employés engaged in selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof."
Assembly action: pp. 282, 548, 600, 618, 649, 1767, 1849.
Senate action: p. 1761.

523—Johnson of Sacramento—An Act to add a new section to the Civil Code, to be numbered and known as Section 486*a*, providing for the maintenance of gates at railroad crossings in incorporated cities.
Assembly action: pp. 282, 960, 1067, 1096, 1187, 1369, 1488, 1560, 1610.

524—Johnson of Sacramento—An Act to add a new section to the Penal Code, to be known as Section 393*a*, to provide for the giving of notice of accidents occurring on any railroad in California.
Assembly action: pp. 282, 772, 887, 1046, 1083, 1187, 1295, 1560.

525—Cutten—An Act to appropriate money for the purpose of constructing object-lesson oiled roads in different sections of the State.
Assembly action: pp. 282, 509, 622, 1546.

526—Drew—An Act to provide for the establishment and maintenance of a fish hatchery at or near Shaver Lake, in the Sierra Nevada Mountains, and making an appropriation therefor.
Assembly action: pp. 282, 1133, 1225, 1286, 1346, 1414, 1521, 1679.

527—Drew—An Act entitled an Act to amend Section 671 of the Civil Code.
Assembly action: pp. 283, 388, 435, 540, 640, 790, 876, 912.

528—Whitmore—An Act to provide for the issuance of duplicates of bonds, warrants, and other municipal securities which have become defaced or mutilated.
Assembly action: pp. 283, 412, 496, 526, 531, 776, 982.
Senate action: p. 775.

529—Bell—An Act to amend Sections 415 and 420 of the Political Code, all relating to the office of the Secretary of State.
Assembly action: pp. 302, 620.

530—Davis—An Act to amend the Political Code of the State of California by adding eight news sections thereto, to be numbered 338, 338*a*, 338*b*, 339, 339*a*, 339*b*, 340, and 340*a*, under a new article, to be numbered thirteen (13), to be added to chapter two (2), title one (1), part three (3), of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.
Assembly action: pp. 302, 1398, 1529, 1574.

531—Campbell—An Act to regulate the traffic in food, drugs, medicines, and beverages, and to prevent fraudulent manufacture and sale of adulterated or misbranded articles, and making an appropriation for the enforcement of its provisions.
Assembly action: pp. 303, 413, 497, 602, 751, 880, 1045, 1128.
Senate action: p. 1829.

532—Forbes—An Act creating the office of county mining recorder, prescribing his duties, and providing for his compensation.
Assembly action: pp. 303, 1793.

533—Berry—An Act to amend Section 209 of the County Government Act, relating to the compensation of the various county officers in counties of the fifty-second class.
Assembly action: pp. 303, 1260, 1330, 1509, 1584.

534—Berry—An Act to make an appropriation to locate, survey, and obtain estimate of cost of a highway from Happy Camp, Siskiyou County, along the Klamath and Trinity rivers, to Hoopa Valley, Humboldt County, and also from a point along said route up the Salmon River to Black Bear.
Assembly action: p. 303.

535—Coghlan—An Act to amend Section 1662 of the Political Code, fixing the age at which children may be admitted to primary schools.
Assembly action: pp. 303, 1701.

536—McClellan—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the eleventh class, and repealing all conflicting Acts.
Assembly action: pp. 303, 603, 675, 794, 851.

537—Hartmann (by request)—An Act to amend Section 2955 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to mortgages of personal property.
Assembly action: pp. 303, 1134, 1235, 1286, 1298.

538—Devlin—An Act to amend Section 3471 of the Political Code, relating to procuring rights of way and material for works of reclamation of reclamation districts and condemnation of property therefor.
Assembly action: pp. 303, 510, 581, 602, 643, 965, 1149.

539—Lynch (by request)—An Act authorizing the payment of a claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.
Assembly action: pp. 303, 620, 702, 1507.

540—Thompson of Los Angeles—An Act to amend Section 3 of an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.
Assembly action: pp. 303, 1058, 1112, 1147.

541—Committee on Education—An Act to amend Section 1622 of the Political Code, relating to State and county school moneys being used for the payment of teachers.
Assembly action: pp. 304, 359, 401, 411, 430, 530, 574, 1035, 1192, 1580.
Senate action: p. 1033.

542—Sackett—An Act to amend Section 1771 of the Political Code, relating to duties of county boards of education.
Assembly action: pp. 304, 589, 671, 850.

543—Committee on Education—An Act to amend Section 1874 of the Political Code, relative to duties of text-book committee.
Assembly action: pp. 304, 359, 402, 411, 429, 530, 575, 1396, 1405, 1598.
Senate action: p. 1395.

544—Leeds—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Sections 3, 5, and 12 thereof, and by adding thereto a new section, to be known as Section 3½, providing for petitions of remonstrance and written objections, hearings thereon, and the determination thereof by the city council.
Assembly action: pp. 304, 412, 496, 602, 609, 966, 1149.
Senate action: p. 965.

545—Leeds—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.
Assembly action: pp. 304, 412, 495, 602, 608, 697, 750, 1314, 1557.
Senate action: p. 1312.

546—Held—An Act to amend Section 1049 of the Penal Code of the State of California, relating to the time that a defendant in a criminal action shall have to prepare for trial.
Assembly action: pp. 304, 1544.

547—Johnson of Sacramento—An Act for the protection of the men employed in the service of street and interurban railroads, and regulating the hours of employment thereof.
Assembly action: pp. 304, 548, 600, 618, 650, 865.

548—Johnson of Sacramento—An Act to prevent deception in the manufacture and sale of California wines by establishing a uniform wine nomenclature for pure wines, to secure its enforcement, and to provide a penalty for the violation of the provisions thereof.
Assembly action: pp. 304, 454, 547, 579.

549—Johnson of Sacramento—An Act to amend Section 1 of an Act entitled "An Act to create a drainage district, to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensations of such officers, and providing for the creating, division, and management of reclamation, swamp land, levee, drainage, and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, A. D. 1905.
Assembly action: pp. 304, 704, 759, 798, 914, 1338, 1598.
Senate action: p. 1337.

550—Kelly—An Act providing for the employment by the State Board of Prison Directors of skilled mechanics to superintend various branches of industry carried on in the State's prisons.
Assembly action: p. 305.

551—Hammon—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.
Assembly action: pp. 353, 587, 670, 697, 882.

552—Campbell—An Act providing for the disposition of actions and proceedings in which the proceedings upon the trial thereof have been lost or destroyed by conflagration or other public calamity.
Assembly action: pp. 353, 898, 1002, 1097, 1126, 1506, 1557, 1791.
Senate action: p. 1502.

553—Campbell—An Act to amend Section 2979 of the Political Code, relating to duties of the State Board of Health.
Assembly action: pp. 354, 593, 656, 717, 844, 885.

554—Johnson of Sacramento—An Act to amend Section 393 of the Penal Code.
Assembly action: pp. 354, 1837.

555—Johnson of Sacramento—An Act to add a new section to the Penal Code, to be known as section number ——.
Assembly action: pp. 354, 1837.

556—Johnson of Sacramento—An Act to amend the Civil Code by adding thereto a new section, to be numbered 1742, relating to contracts of conditional sale.
Assembly action: pp. 354, 617, 677, 707, 884, 1368.

557—Lucas—An Act to amend section one hundred and seventy (170) of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the Acts amendatory thereof, relating to compensation of county and township officers of counties of the thirteenth class.
Assembly action: pp. 354, 603, 674, 794, 883, 1082, 1606, 1814.
Senate action: p. 1603.

558—Committee on Education—An Act adding a new section to the Political Code of the State of California, to be numbered Section 1584, providing for furnishing the free use of text-books by the several counties or cities and counties of the State.
Assembly action: pp. 354, 376, 403, 411, 431.
Senate action: p. 1196.

559—Stetson—An Act to provide for the acceptance and investment of gifts and bequests to the Industrial Home of Mechanical Trades for the Adult Blind of California.
Assembly action: pp. 354, 587, 715, 755, 842.

560—Drew—An Act to provide for the joint investigation with the Federal Government of the water resources of the State and to make an appropriation for the expenses of such investigations.
Assembly action: pp. 354, 621, 751, 786, 872, 1052.

561—Committee on Military Affairs—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be known and designated as Section 442½, relating to the wearing of the uniform of the United States army or navy, or any part of such uniform, or a uniform or part of a uniform similar thereto, within the bounds of the State of California, by any person other than an officer or enlisted man of the National Guard or Naval Militia of the State of California, or of any other state, or of the United States army, navy, marine corps or revenue service, or inmate of any veterans' or soldiers' home, or persons of the theatrical profession.
Assembly action: pp. 354, 376, 403, 411, 430, 448, 458, 575, 645, 666, 1604, 1813.
Senate action: p. 1602.

562—Chandler—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.
Assembly action: pp. 354, 413, 500, 648, 688, 970, 1045, 1692, 1815.
Senate action: pp. 1033, 1691.

563—Chandler—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act to increase the number of clerks for the limited period of six (6) months, commencing in the month of January of each year, in the office of the Treasurer of State, and for the appointment of such additional clerk,' approved March 16, 1889, and authorizing the Treasurer of State to appoint one clerk, at an annual salary of $1,600," approved March 26, 1895.
Assembly action: pp. 354, 414, 500, 525, 532.

564—Chandler—An Act to amend Sections 439 and 440 of the Political Code, relating to the employés in the Controller's office and the salaries paid to such employés.
Assembly action: pp. 355, 413, 500, 602, 610, 965, 1149.

565—Leeds—An Act providing for the appointment of police judges in municipalities having a freeholders' charter, wherein provision is made for a police court judge but no provision is made for the appointment or election of such police judge.
Assembly action: pp. 366, 412, 497, 526, 531, 776, 982.
Senate action: p. 775.

566—Birdsall—An Act adding a new section to the Code of Civil Procedure, to be numbered and designated as Section 1124, relating to contesting elections in case of a tie.
Assembly action: pp. 366, 654, 716, 755, 843, 1314, 1597.
Senate action: p. 1312.

567—Campbell—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentisty in the State of California, providing penalties for the violation thereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Section 15 thereof, defining the practice of dentistry.
Assembly action: pp. 366, 548, 601, 669, 697, 849, 1060, 1192.
Senate action: p. 1060.

568—Hammon—An Act to amend Section 499 of the Civil Code, relating to the use of the same street or tracks by two lines of street railway operated under different management.
Assembly action: pp. 366, 700, 757, 787, 872.

569—Hammon—An Act to provide for the consolidation of municipal corporations.
Assembly action: pp. 366, 1840.

570—Pyle—An Act to amend Section 1 of an Act entitled an Act to promote the horticultural interests of the State by providing county boards of horticulture, and repealing the Act entitled "An Act to protect and promote the horticultural interests of the State," approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891.
Assembly action: pp. 367, 454, 536, 547, 580, 1060, 1192.

571—Pyle—An Act to amend Sections 3093, 3094, and 3095 of the Political Code of the State of California, relating to dissection, approved March 12, 1892.
Assembly action: pp. 367, 1134, 1232, 1286, 1477.

572—Wyatt—An Act to create a preserve for shellfish and invertebrate animals within a portion of the Bay of Monterey, and to prohibit taking the same from such preserves for commercial purposes.
Assembly action: pp. 367, 799, 891, 910, 994, 1692, 1815.
Senate action: p. 1691.

573—Butler—An Act to amend Section 1181 of the Penal Code of the State of California, by adding a new subdivision thereto, to be numbered 8, relating to granting of new trials.
Assembly action: pp. 367, 509, 558, 581, 602, 642.

574—Davis—An Act repealing an Act entitled "An Act creating a State commission on voting or ballot machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting for ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.
Assembly action: pp. 367, 1845.

575—Johnson of Sacramento—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.
Assembly action: pp. 367, 1544.

576—Johnson of Sacramento—An Act to amend Sections 2 and 4 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devices, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devices, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, establishing a tax on gifts, legacies, inheritances, bequests, devices, successions, and transfers.
Assembly action: pp. 367, 1837.

577—Johnson of Sacramento—An Act to amend Section 3627, of Chapter III, of Part III of the Political Code of the State of California, relating to how property shall be assessed.
Assembly action: pp. 367, 1840.

578—Cutten—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to create and establish a commission for revising, systematizing and reforming the laws of this State, and for appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor,' approved March 28, 1895," approved March 25, 1903, by amending Section 6 thereof, relating to the powers and duties of such commission, and by amending Section 9 thereof, relating to the tenure of such commission.
Assembly action: pp. 368, 774, 968, 1070, 1099, 1314, 1557.
Senate action: p. 1312.

579—Otis—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 8 and 14 thereof, and adding a new section thereto, to be numbered and designated Section 9½.
Assembly action: pp. 368, 654, 718, 756, 1271, 1282, 1319, 1344, 1413.

580—Walsh—An Act to add a new section to the Code of Civil Procedure, relating to costs in civil actions, to be numbered 1040.
Assembly action: pp. 368, 1059, 1113, 1148, 1190.

581—Johnson of Sacramento—An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts or parts of Acts in conflict with this Act.
Assembly action: pp. 368, 413, 500, 525, 532, 902, 1148.
Senate action: p. 901.

582—Drew—An Act to provide for the protection and preservation of public highways from damage by storm and flood waters, and from the filling up and changes in the channels of rivers or streams, and to authorize the expenditure of public moneys for the purpose thereof, and preventing such changing of channels and injury to roads and highways, and also repealing the Act of April 1, 1897, providing for the protection and preservation of public highways from damage by storm waters and floods, etc., and all other Acts in conflict herewith.
Assembly action: pp. 368, 772, 999, 1096, 1124, 1604, 1814.
Senate action: p. 1601.

583—Cornish—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, by amending Subdivision 6 thereof, relating to the counties of the fifty-first class.
Assembly action: pp. 391, 1164.

584—Johnson of Sacramento—An Act to confer further powers upon the Board of Railroad Commissioners.
Assembly action: pp. 391, 860, 929, 964, 996, 1042.

585—Johnson of Sacramento—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings," approved March 23, 1876, and Acts amendatory thereof, by amending Section 3 of said Act.
Assembly action: pp. 391, 587, 588.

586—Johnson of Sacramento—An Act to amend Section 213 of the Penal Code of the State of California and to add a new section thereto, numbered 212*a*, relating to the crime of robbery and its punishment.
Assembly action: pp. 391, 587, 670, 794, 850, 1033, 1192.
Senate action: p. 1032.

587—Sackett—An Act adding a new section to the Political Code of the State of California, to be numbered 1893, relating to duties of school trustees and city boards of education, regarding fraternities in public schools.
Assembly action: pp. 391, 589, 671, 794, 850, 1707, 1816.
Senate action: p. 1705.

588—Otis—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.
Assembly action: p. 391.

589—Wyatt—An Act to add a new article to Chapter III, of Part III, of the Political Code, to be known as Article XIII, relating to the Board of Bank Commissioners, and prescribing their duties and powers.
Assembly action: pp. 391, 656, 716, 756, 843, 1764, 1848.
Senate action: p. 1761.

590—Wyatt—An Act to add a new section to the Political Code, to be known as Section 560, relating to the amount of capital stock necessary to be paid up before a corporation may be permitted to act as executor, administrator, guardian, assignee, receiver, depositary, or trustee.
Assembly action: p. 391.

591—Hewitt—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes, and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905.
Assembly action: pp. 391, 599, 731, 782, 876, 987, 1315, 1575, 1814.
Senate action: pp. 1312, 1602.

592—Forbes—An Act to amend Section 57 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.
Assembly action: pp. 392, 1260, 1330, 1508, 1586.

593—Finney—An Act to amend Section 193 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the thirty-sixth class, and repealing all conflicting Acts.
Assembly action: pp. 392, 1164, 1238, 1398, 1483.

594—Hammon—An Act to authorize the District Court of Appeal for the Second District to provide proper rooms in which to hold court and for the proper accommodation of its officers and library, and authorizing the presiding justice to enter into contracts or leases therefor, and providing for an appropriation of money therefor.
Assembly action: pp. 392, 1164, 1226, 1346, 1692, 1815.
Senate action: p. 1691.

595—Kohlman—An Act to amend Section 198 of the Code of Civil Procedure of the State of California, relative to competency of jurors.
Assembly action: pp. 392, 1260, 1286, 1331, 1360, 1571.

596—Kohlman—An Act to amend Section 199 of the Code of Civil Procedure of the State of California, relative to competency of jurors.
Assembly action: pp. 392, 1134, 1235, 1397, 1481.

597—O'Brien—An Act to create a Reclamation District, to be called Reclamation District No. 774, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 774, and providing for the liquidation and winding up of said dissolved districts.
Assembly action: pp. 392, 655, 719, 863, 1046, 1097, 1348.

598—Davis—An Act to amend Sections 3109 and 3110 of the Civil Code of California, relating to public cemeteries and cemeteries owned by benevolent or charitable associations or societies, and the jurisdiction over and control of the same.
Assembly action: pp. 392, 593, 1274, 1331, 1360, 1571.

599—Davis—An Act to amend Section 1197 of the Political Code, so as to require the separate marking of each candidate voted for at elections.
Assembly action: pp. 392, 1844.

600—Whitmore—An Act to amend Section 1577 of the Political Code of the State of California, relating to the formation of new school districts and the apportionment of moneys thereto.
Assembly action: pp. 393, 698, 1229.

601—Estudillo—An Act to amend Section 1050 of the Code of Civil Procedure.
Assembly action: pp. 417, 773, 887, 910, 991, 1552, 1791.
Senate action: p. 1548.

602—Estudillo—An Act to amend Section 427 of the Code of Civil Procedure.
Assembly action: pp. 417, 772, 887, 910, 991, 1830, 1864.
Senate action: p. 1827.

603—Smyth—An Act to definitely establish and permanently locate the western boundary line of the County of Glenn.
Assembly action: pp. 417, 1844.

604—Wyatt—An Act to repeal Section 11 of the Political Code, relating to holidays.
Assembly action: pp. 417, 589, 686, 730, 943, 1552, 1790.
Senate action: p. 1549.

605—Wyatt—An Act to add a new section to the Political Code, to be known as Section 35 thereof, relating to the conveying to the United States of State lands covered by navigable waters.
Assembly action: pp. 417, 686, 730, 943, 1552, 1789.
Senate action: p. 1550.

606—Wyatt—An Act to repeal Article XIII of Chapter III of Part III of the Political Code, relating to State Geologist.
Assembly action: pp. 417, 590, 686, 794, 943, 1552, 1789.
Senate action: p. 1550.

607—Wyatt—An Act to add two new sections to the Political Code, to be known as Sections 444 and 461 thereof, both relating to the general fund.
Assembly action: pp. 418, 589, 686, 730, 944, 1552, 1790.
Senate action: p. 1549.

608—Wyatt—An Act to add a new section to the Political Code, to be known as Section 4653*a* thereof, relating to donations to the State.
Assembly action: pp. 418, 589, 686, 730, 944, 1552, 1790.
Senate action: p. 1549.

609—Wyatt—An Act to amend Section 364 of the Political Code, relating to the Board of Examiners.
Assembly action: pp. 418, 589, 686, 730, 944, 1552, 1789.
Senate action: pp. 589, 1550.

610—Wyatt—An Act to repeal Section 367 of the Political Code, relating to State prisons.
Assembly action: pp. 418, 589, 686, 730, 944, 1552, 1791.
Senate action: p. 1550.

611—Wyatt—An Act to amend Section 501 of the Political Code, relating to fees to be collected by the Register of the State Land Office.
Assembly action: pp. 418, 589, 686, 730, 945, 1552, 1790.
Senate action: p. 1549.

612—Wyatt—An Act to repeal Section 349 of the Political Code, relating to State Printer.
Assembly action: pp. 418, 589, 686, 730, 945, 1552, 1791.
Senate action: p. 1550.

613—Wyatt—An Act to add a new title to Part III of the Penal Code, to be known as Title I thereof, relating to the government and management of State prisons.
Assembly action: pp. 418, 657, 725, 863, 947, 1552, 1790.
Senate action: p. 1549.

614—Finney—An Act to make an appropriation for the location, survey and construction of a State highway from a point known as the Mount Pleasant Ranch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County.
Assembly action: pp. 418, 591, 619, 623, 672, 697, 862, 887.

615—Collister—An Act to amend Section 12 of an Act entitled "An Act to amend Section 361 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and amended March 23, 1901," approved March 20, 1905.
Assembly action: pp. 418, 1164.

616—Eshleman—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof.
Assembly action: pp. 418, 617, 677, 912, 1083, 1504, 1715.
Senate action: p. 1502.

617—Fisher—An Act to amend Section 827 of the Civil Code of the State of California, relating to the change of the terms of leases from month to month.
Assembly action: pp. 419, 707, 1837.

618—Wyatt—An Act to amend Section 1192 of the Code of Civil Procedure, relative to the liens of mechanics, miners, and others upon real property.
Assembly action: pp. 419, 755, 1162, 1258, 1552, 1790.
Senate action: p. 1549.

619—Bell—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section to be numbered 8*a*.
Assembly action: pp. 419, 699, 761, 875, 929, 1070, 1503, 1714.
Senate action: p. 1501.

620—Barry—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising to procure abortions.
Assembly action: pp. 419, 1134, 1235, 1286, 1525.

621—Barry—An Act to add a new section to the Penal Code of California, to be numbered 317*a*, relating to advertising for medical purposes.
Assembly action: pp. 419, 1398, 1579, 1596.

622—Beckett—An Act amending Section 1578 of the Code of Civil Procedure, relating to mortgages by executors, administrators, and guardians in certain cases.
Assembly action: pp. 419, 1134, 1235, 1417, 1478.

623—Birdsall—An Act making an appropriation of $250 for the purchase of a certain spring of water near the Marshall monument, at Coloma, and for piping the water to the grounds surrounding said monument.
Assembly action: pp. 419, 622, 702, 764, 798, 857, 910, 931, 1266, 1425.
Senate action: p. 1264.

624—Birdsall—An Act making an appropriation of five hundred dollars ($500) for the purpose of repairing and preserving the Marshall monument, at Coloma, and for the care and improvement of the grounds around said monument.
Assembly action: pp. 419, 622, 702, 764, 798, 857, 910, 985, 1196, 1416.
Senate action: p. 1195.

625—Bishop—An Act to amend Section 396 of the Code of Civil Procedure, relating to place of trial in civil actions.
Assembly action: pp. 419, 1837.

626—Cogswell—An Act appropriating money for the purchase of books for the library of the Whittier State School.
Assembly action: pp. 419, 622, 751, 785, 798, 989, 1338, 1597.
Senate action: p. 1337.

627—Lynch—An Act instructing the Commissioner of Public Works to purchase the north fifty-eight acres of Wood Island, situated in the County of Sacramento, State of California, and making an appropriation to pay for the same.
Assembly action: pp. 419, 622.

628—Leeds—An Act to amend an Act entitled "An Act to establish a school for the discipline, education, employment, reformation, and protection of juvenile delinquents in the State of California, to be known as the Whittier State School," by amending Sections 8, 11, 16, 17, 18, and 20 thereof, and by adding a new section thereto, to be numbered Section 13½, providing for the appointment, duties, and compensation of a secretary of said school.
Assembly action: pp. 419, 653, 716, 755, 881, 1315, 1411, 1604, 1814.
Senate action: pp. 1312, 1602.

629—Thompson of Los Angeles—An Act to amend Section 1578 of the Code of Civil Procedure, relating to mortgages in certain cases.
Assembly action: pp. 420, 772, 887, 910, 992.

630—Thompson of Los Angeles—An Act to amend Section 1768 of the Code of Civil Procedure, relating to the powers and duties of guardians.
Assembly action: pp. 420, 772, 887, 910, 992, 1705, 1816.
Senate action: p. 1705.

631—Thompson of Los Angeles—An Act providing compensation for judges pro tempore appointed under the provisions of Section 8 of Article VI of the Constitution.
Assembly action: pp. 420, 772, 926, 964, 994.

632—Stanton—An Act to amend Section 2521 of the Political Code, relating to employés of the State Harbor Commission of the Port of San Francisco.
Assembly action: pp. 420, 615, 675, 730, 883, 1083, 1220.

633—Stanton—An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employés thereof, defining its powers and prescribing the duties of said department, its officers and employés, to provide the compensation of such officers and employés, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony.
Assembly action: pp. 420, 615, 1342.

634—Stanton—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876, and as amended March 31, 1891, March 27, 1895, and March 20, 1905.
Assembly action: pp. 420, 615, 675, 730, 883, 1045, 1271.

635—Fratessa (by request)—An Act to regulate the keeping of large trees and to forbid the growing and planting thereof in such places and in such manner as may endanger or damage adjoining property.
Assembly action: pp. 421, 666, 1135, 1233, 1286, 1297.

636—Fratessa—An Act to amend Section 266 of the Political Code of California, relating to mileage of members of the Legislature.
Assembly action: pp. 421, 699, 759, 875, 1505, 1714.
Senate action: p. 1502.

637—Fratessa—An Act to amend Section 246 of the Political Code of California, relating to officers of the Assembly.
Assembly action: pp. 421, 1837.

638—O'Brien—An Act authorizing the Board of Sutter's Fort Trustees to improve a certain street in the City of Sacramento, to wit: Twenty-sixth Street, from the south line of K Street to the north line of L Street, and to make an appropriation therefor.
Assembly action: pp. 421, 622, 789, 926, 964, 995, 1396, 1598.
Senate action: p. 1395.

639—O'Brien—An Act making an appropriation to provide for shelving and floor covering for the State Library, in the Capitol building, including labor and expenses contingent thereto.
Assembly action: pp. 421, 622.

640—O'Brien—An Act to add a new section to the Political Code, to be numbered 2295*a*, and relating to the supplying the State Library with State publications for exchange purposes.
Assembly action: pp. 421, 797, 891, 910, 994, 1506, 1714.
Senate action: p. 1502.

641—O'Brien—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund.
Assembly action: pp. 421, 911.

642—Lynch (by Committee on State Prisons and Reformatory Institutions. Substitute for A. B. No. 49)—An Act to provide for the government and management of schools for the discipline, education, reformation, and protection of juvenile delinquents in the State of California, and for the examination and commitment of such delinquents thereto; and to repeal an Act entitled "An Act to establish a school for the discipline, education, employment, reformation and protection of juvenile delinquents in the State of California, to be known as 'The Whittier State School,'" approved March 11, 1889, with the amendments thereto; and to repeal an Act entitled "An Act to establish a school of industry, to provide for the maintenance and management of the same, and to make an appropriation therefor," approved March 11, 1889, with the amendments thereto.
Assembly action: pp. 421, 615, 743, 778, 876, 971, 1176, 1285, 1414, 1558, 1576.

643—Beardslee—An Act to amend an Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by adding thereto a new section, numbered 5½, providing for the doing of sidewalk work by cities in the absence of bidders for doing the same.
Assembly action: pp. 421, 617, 678, 707, 754, 1196, 1416.
Senate action: p. 1195.

644—Weske—An Act making an appropriation of $4,000, to be used by the Board of Sutter's Fort Trustees for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of landing place at Monterey of Junipero Serra, and the old theatre property at Monterey, and providing for the preservation, maintenance, protection, and improvement of said properties," approved February 21, 1905.
Assembly action: pp. 422, 619, 622, 692, 707, 749, 1196, 1416.
Senate action: p. 1195.

645—Beckett—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 310 of said Code.
Assembly action: pp. 454, 1845.

646—Leeds (by request)—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation."
Assembly action: p. 454.

647—Fisher (by request)—An Act to prevent the manufacture and sale of thread of cotton, linen and silk, where such is not labeled as to its correct yardage and weight.
Assembly action: pp. 454, 1596.

648—Cornish—An Act compelling the attendance of children at schools where tuition, lodging, food and clothing are furnished at the expense of the United States.
Assembly action: pp. 455, 698, 758, 798, 886, 1503, 1715.
Senate action: p. 1501.

649—Bush—An Act to authorize the local boards of managers of the several State hospitals for the insane of the State of California to employ regularly ordained ministers and priests to visit and minister spiritual advice and consolation to the inmates of said hospitals and to provide for their compensation.
Assembly action: pp. 455, 797, 928, 1070, 1079, 1202, 1289, 1604, 1814.
Senate action: p. 1602.

650—Hammon (by request)—An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in cities, in cases where any damage to private property would result from such improvement.
Assembly action: pp. 455, 773, 891, 910, 993, 1100, 1797, 1862.
Senate action: p. 1795.

651—Cogswell—An Act making an appropriation of $5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, providing for a parole officer, his compensation, and traveling expenses.
Assembly action: pp. 455, 1057, 1080, 1097, 1156, 1762, 1848.
Senate action: p. 1760.

652—Transue—An Act to repeal Title XVI of Part IV of Division First of the Civil Code of the State of California, and each and every part and section of said title, and to enact and substitute a new Title XVI, consisting of Chapter I, Chapter II, and Chapter III to take the place thereof in said Code, relating to land and building corporations, mutual building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.
Assembly action: p. 455.

653—Transue—An Act to amend Section 2 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the Board of Trustees of the State Mining Bureau.
Assembly action: pp. 455, 548, 860, 1349, 1487, 1509, 1721.

654—Transue—An Act to amend Section 3 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the compensation of the State Mineralogist of the State Mining Bureau.
Assembly action: pp. 455, 860, 1546.

655—Transue—An Act to amend Section 3747 of the Political Code, relating to the payment of taxes.
Assembly action: pp. 456, 1193, 1243, 1285.

656—Devlin—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 437*a*, relating to the pleadings in actions upon contracts of insurance, wherein exemption from liability is claimed by the defendant on the ground that the loss was remotely caused by or would not have occurred but for a peril excepted in the contract of insurance.
Assembly action: pp. 456, 627, 679, 707, 755, 1265, 1424.
Senate action: p. 1263.

657—Devlin—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as and numbered Section 454*a*, allowing the plaintiff in an action upon a contract of insurance, wherein exemption from liability is claimed by defendant upon the ground that the loss was remotely caused by, or would not have occurred but for a peril excepted in the contract of insurance, to require the defendant to furnish a statement of certain facts, and prescribing the consequences of the failure of the defendant to furnish such statement.
Assembly action: pp. 456, 627, 679, 795, 913.

658—Devlin—An Act to amend an Act entitled "An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation," approved March 20, 1903, by amending Sections 1, 12, 14, 16, and 17, and by adding a new section thereto.
Assembly action: pp. 456, 756, 787, 799, 990.

659—Bishop—An Act to provide for the change of name of high school districts and union high school districts, and the manner of making such change.
Assembly action: pp. 456, 739, 784, 799, 989, 1338, 1597.
Senate action: p. 1337.

660—Davis—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.
Assembly action: pp. 456, 860, 1596.

661—Johnson of Sacramento—An Act to amend Section 2959 of the Civil Code by providing for recording mortgages of personal property by persons who do not reside in this State.
Assembly action: pp. 456, 616, 676, 730, 754, 1267, 1425.
Senate action: p. 1264.

662—Johnson of Sacramento—An Act to add a new section to the Civil Code of the State of California, to be known as Section 602*a*, relating to corporations sole.
Assembly action: pp. 456, 616, 676, 730, 753.

663—Johnson of Sacramento—An Act to amend Section 608 of the Penal Code and to add two new sections thereto, to be numbered 608*a* and 608*b*, all relating to the burning, injuring or setting adrift rafts or vessels.
Assembly action: pp. 456, 616, 677, 794, 852, 1045, 1314, 1596.
Senate action: p. 1311.

664—Finney—An Act to provide for the survey and construction of a State highway from Red Bluff, California, to Eureka, California, in Tehama, Shasta, Trinity, and Humboldt counties, and making an appropriation therefor.
Assembly action: p. 457.

665—Beardslee—An Act to amend Section 1238 of the Code of Civil Procedure of the State of California, relating to eminent domain and the purposes for which it may be exercised.
Assembly action: pp. 457, 1134, 1233, 1360, 1371, 1552, 1726.
Senate action: p. 1550.

666—Stanton—An Act appropriating $4,000 for the paving and improvement of the streets fronting the grounds of the State Normal School at Los Angeles.
Assembly action: p. 457.

667—Stanton—An Act to appropriate $2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and authorize the trustees of said school to construct said retaining walls and fences.
Assembly action: p. 457.

668—Wyatt—An Act to amend Section 2349 of the Political Code and to repeal Section 2351 thereof, both relating to certain streams and waters declared public ways.
Assembly action: pp. 457, 661, 728, 876, 949, 1552, 1791.
Senate action: p. 1550.

669—Wyatt—An Act to repeal Title I of Part II of the Political Code and to substitute therefor a new title, to be known as Title I of Part II of said Code, relating to the chief political divisions of the State.
Assembly action: pp. 457, 774, 860, 892, 982, 1256, 1552, 1790.
Senate action: p. 1549.

670—Walsh (by request)—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 10, 1897, and all Acts amendatory thereof, relating to the salaries of the county and township officers in counties of the third class, and repealing all conflicting Acts.
Assembly action: pp. 506, 1793.

671—Kelly—An Act to add a new section to the Penal Code of the State of California, to be known as Section 310, relating to selling of cigarettes, cigarette tobacco, and cigarette papers.
Assembly action: pp. 506, 1837.

672—Stanton—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.
Assembly action: pp. 506, 657, 860, 1001, 1045, 1053, 1314, 1597.
Senate action: p. 1311.

673—Otis—An Act to amend an Act entitled "An Act to provide for the alterations of the boundaries and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory," approved March 19, 1889, relating to the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities.
Assembly action: pp. 506, 1840.

674—Fisher—An Act to amend Sections 10, 11, 12, 13, and 14 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their powers and duties; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act; and prescribing the duties of such board; and providing when proceedings under this Act shall be admissible in evidence," approved February 26, 1903, as amended by Sections 11, 12, 13, 14, and 15 of an Act amendatory of the same, approved March 22, 1905.
Assembly action: pp. 507, 699, 762, 798, 930, 1267, 1410, 1599.
Senate action: p. 1264.

675—Transue—An Act to amend Sections 3804 and 3805 of the Political Code, relating to the refunding of taxes and the cancellation of certificates of tax sales.
Assembly action: pp. 507, 1193, 1242, 1416, 1485, 1574.

676—Devlin—An Act supplementary to the Act approved June 16, 1906, entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," providing for the making and recordation of notice of ownership or claim to real property.
Assembly action: pp. 507, 616, 676, 730, 754, 1692, 1815.
Senate action: p. 1691.

677—Kohlman—An Act to amend Section 249 of the Penal Code, relating to punishment of libel.
Assembly action: pp. 507, 860, 1001, 1045, 1085, 1552, 1726.
Senate action: p. 1550.

678—Lynch—An Act to amend Section 2645 of the Political Code of the State of California, relating to the duties of road overseers.
Assembly action: pp. 521, 653, 859, 1000, 1046, 1084.

679—Lynch—An Act to amend Section 2642 of the Political Code of the State of California, relating to the powers and duties of highway officers.
Assembly action: pp. 521, 653, 859, 1000, 1046, 1084.

680—Lynch—An Act to amend Section 2643 of the Political Code of the State of California, relating to the powers of supervisors.
Assembly action: pp. 521, 653, 859, 1000, 1046, 1053, 1064, 1145.

681—Lynch—An Act to add a new section to the Political Code of the State of California, to be known as Section 2644*a*, relating to the oath and bond of road overseers.
Assembly action: pp. 521, 653, 859, 1000, 1046.

682—Lynch—An Act to amend Section 2644 of the Political Code of the State of California, relating to the allowing of claims by the board of supervisors.
Assembly action: pp. 522, 653, 859, 1000, 1045.

683—Johnson of Sacramento—An Act to pay the claim of C. S. MacMullan.
Assembly action: pp. 522, 1029.

684—Johnson of Sacramento—An Act making it a misdemeanor for any street railroad company or person operating street cars in any city or town in the State of California, or any conductor, agent, or employé of such company or person to collect fare from any passenger until such passenger is provided with a seat in the car or other conveyance in use.
Assembly action: pp. 522, 1837.

685—Johnson of Sacramento—An Act to amend Section 132 of the Civil Code, Title I, of Part I, Chapter II, relating to actions for divorce.
Assembly action: pp. 522, 1544.

686—Johnson of Sacramento—An Act to amend Subdivision 15 of Section 162 of an Act entitled "An Act to amend Section 162 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and amended March 19, 1903," approved March 20, 1905.
Assembly action: pp. 522, 1793.

687—Johnson of Sacramento—An Act to pay the claim of Herman Steinman against the State of California.
Assembly action: pp. 522, 1029, 1546.

688—Johnson of Sacramento—An Act to amend Section 607*e* of the Civil Code.
Assembly action: pp. 522, 1837.

689—Held—An Act to repeal an Act to create a State Board of Charities and Corrections, prescribing its duties and powers and appropriating money therefor.
Assembly action: pp. 522, 1198, 1301, 1317, 1526.

690—Hewitt (by request)—An Act in relation to fees of county recorders in recording documents or writings for water users' associations, incorporated in conformity with the direction of the United States under the Act of Congress approved June 17, 1902, and relating to the use of printed matter or blanks by such recorders.
Assembly action: pp. 522, 1198, 1301, 1317, 1373.

691—Hewitt (by request)—An Act in relation to the fees of the Secretary of State for filing articles of incorporation and issuing certificates to water users' associations, incorporated or organized in conformity with the requirements of the United States, under an Act of Congress of the United States, approved June 17, 1902, and known as the "Reclamation Act."
Assembly action: pp. 522, 1058, 1081, 1097, 1157, 1830, 1864.
Senate action: p. 1827.

692—Hewitt (by request)—An Act granting rights of way for lines, roads, structures, levees, canals, and excavations to the United States over the public lands of this State.
Assembly action: pp. 522, 1198, 1301, 1317, 1373, 1830, 1864.
Senate action: p. 1827.

693—Stetson—An Act to amend Section 2165*a* of the Political Code of the State of California, relating to actions and suits on account of acts and omissions in the discharge of official duty.
Assembly action: pp. 523, 699, 761, 798, 1177, 1516, 1596.

694—Stetson—An Act to amend Section 867 of the Code of Civil Procedure, relating to undertaking on attachment, and the justification of sureties thereon, in justices' courts.
Assembly action: pp. 523, 739, 784, 799, 989, 1797, 1862.
Senate action: p. 1796.

695—Stetson—An Act to add a new section to the Code of Civil Procedure, to be numbered 981, relating to costs on appeal to Superior Courts.
Assembly action: pp. 523, 772, 887, 910, 991, 1830, 1864.
Senate action: p. 1827.

696—Stetson (by request)—An Act to amend Sections 1 and 2 of an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.
Assembly action: pp. 523, 963, 1064, 1088, 1098, 1830, 1864.
Senate action: p. 1827.

697—Otis—An Act transferring money from the general fund to the adult blind fund to meet a deficiency in said adult blind fund caused by expenditures for unusual and urgent repairs to the buildings of the Home for the Adult Blind in Oakland, and directing the State Controller and State Treasurer to make such transfer.
Assembly action: pp. 523, 593, 1028, 1064, 1088, 1099, 1396, 1598.
Senate action: p. 1395.

698—Smith—An Act to add a new section to the Penal Code of State of California, to be known as Section 401*b*, relating to exits in buildings used for public assemblages.
Assembly action: pp. 523, 1029, 1261, 1324, 1365, 1527.

699—Stanton—An Act to prohibit the sale of intoxicating liquors within a certain distance of any camp or assembly of men, numbering twenty-five or more, engaged upon the construction, repair, or operation of any public work, improvement, or utility.
Assembly action: pp. 523, 617, 678, 707, 884, 1830, 1863.
Senate action: p. 1829.

700—Stanton—An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered Section 1271*a*, relating to the subject of escheated estates.
Assembly action: pp. 523, 898, 1002, 1046, 1083, 1396, 1598.
Senate action: p. 1395.

701—Coghlan—An Act adding a new section to the Political Code of State of California, to be numbered Section 1532*a*, defining the meaning of the words "average daily attendance."
Assembly action: pp. 523, 897, 1001, 1045, 1094, 1288.

702—Coghlan—An Act to promote the safety of employés and travelers upon railroads by limiting the number of hours of service of employés thereon, and to provide a penalty for the violation thereof.
Assembly action: pp. 523, 701, 758, 875, 985, 1084, 1505, 1714.
Senate action: p. 1502.

703—Coghlan—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 618*a*, providing for application of the securities authorized and required under Section 618 of the Political Code.
Assembly action: pp. 524, 1837.

704—Coghlan—An Act to provide for the reproduction of the register of births and deaths of any municipal board of health in the State of California where the same has been destroyed by conflagration or other public calamity.
Assembly action: pp. 524, 860, 1001, 1045, 1288.

705—Wyatt—An Act to repeal Section 312 of the Civil Code, as approved March 21, 1905, and to amend Section 312 of said Code, as approved March 22, 1905, both relating to elections by stockholders or members in corporations.
Assembly action: pp. 524, 774, 893, 910, 953, 1552, 1790.
Senate action: p. 1549.

706—Wyatt—An Act to repeal Section 421 of the Civil Code, as approved March 3, 1905, relating to the investment of the capital and accumulations of corporations organized for the transaction of business in any kind of insurance.
Assembly action: pp. 524, 774, 893, 910, 953, 1552, 1790.
Senate action: p. 1549.

707—Beardslee—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to said Political Code, to be designated as Section 881, to provide for a uniform term of office for certain public officers and officials, whose office is or has been created by Act of the Legislature of this State where the appointment of such officer or official is given by law to the Governor, or to the Governor with the advice and consent of the Senate; and to provide for the termination of the present term of office of such officer or official or officials; and to provide for the appointment of their successors in office, and the duration of their terms of office respectively, and also for the removal of such appointees; and to prevent the restraining or delaying of such appointments, or the restraining or delaying of the taking possession of any such office by any appointee; and to repeal all Acts or parts of Acts inconsistent with this Act.
Assembly action: pp. 524, 1837.

708—Chandler—An Act to amend Section 2172 of the Political Code, relating to the disposition of insane persons upon commitment, and repealing all Acts or parts of Acts inconsistent therewith.
Assembly action: pp. 551, 1164, 1788.

709—Fratessa—An Act to regulate the building and occupancy of tenement houses in incorporated cities.
Assembly action: pp. 551, 739, 783, 798, 989, 1767, 1849.
Senate action: p. 1761.

710—Fratessa—An Act to provide for the establishment, maintenance, and control of a sanatorium for the treatment of curable cases of tuberculosis, and making appropriation therefor.
Assembly action: pp. 551, 739, 887, 1546.

711—Pyle—An Act to amend Sections 337, 339, and 344 of the Code of Civil Procedure, all relating to the time within which certain actions must be commenced.
Assembly action: pp. 551, 1134, 1232, 1286, 1478.

712—Held—An Act appropriating $1,500 for restoring certain records and refitting and refurnishing the office of the Clerk of the Supreme Court in the City of San Francisco.
Assembly action: pp. 551, 657, 717, 756, 843, 1314, 1597.
Senate action: p. 1312.

713—Held—An Act to add a new section to the Political Code of the State of California, to be designated and numbered Section 751¾, authorizing the Clerk of the Supreme Court to employ two assistant deputy clerks, and fixing the compensation of such assistant deputy clerks.
Assembly action: pp. 552, 699, 763, 798, 930, 1314, 1597.
Senate action: p. 1312.

714—Hammon—An Act to appropriate $2,500 for the construction of retaining walls and fences on the boundary lines of the site of the State Normal School at Los Angeles, California, and authorize the trustees of said school to construct said retaining walls and fences.
Assembly action: p. 552.

715—Hammon—An Act making an appropriation of $4,000 to be expended by the Trustees of the State Normal School at Los Angeles, for any assessments levied by the City of Los Angeles on the land of the State Normal School of Los Angeles, California, for pavement, sidewalk, curbs, gutters, and other improvements on Grand Avenue and Fifth Street, fronting on said property.
Assembly action: p. 552.

716—Strobridge—An Act to amend Section 1372 of the Political Code, relating to primary elections.
Assembly action: pp. 552, 654, 716, 756, 882, 1045, 1077, 1265, 1425.
Senate action: p. 1263.

717—Snyder—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 213 thereof, relating to counties of the fifty-sixth class.
Assembly action: pp. 552, 1260, 1330, 1360.

718—Snyder—An Act to amend Section 3366 of the Political Code of the State of California, relating to the imposition of license taxes by boards of supervisors and legislative bodies of incorporated cities and towns.
Assembly action: pp. 552, 1840.

719—Drew—An Act to amend Section 443 of the Political Code, relating to the distribution of school funds.
Assembly action: pp. 552, 698, 758, 798, 1083.

720—Drew—An Act to establish standard forms in which policies of life insurance may be issued in this State and in which policies of life insurance companies organized under the laws of this State may be issued; and regulating the conditions and provisions to be contained in policies of life insurance companies that do not adopt such standard forms.
Assembly action: p. 552.

721—Drew—An Act to require an annual apportionment and accounting of surplus of certain life insurance companies.
Assembly action: p. 552.

722—Drew—An Act providing for an annual apportionment and accounting of surplus of certain life insurance companies on policies heretofore issued.
Assembly action: p. 552.

723—Drew—An Act prohibiting the use for political purposes of property of certain life insurance companies.
Assembly action: p. 553.

724—Drew—An Act providing that life insurance policies shall constitute the entire contract.
Assembly action: p. 553.

725—Drew—An Act defining the status of persons soliciting life insurance.
Assembly action: pp. 553, 1517.

726—Drew—An Act to prohibit certain misrepresentations as to life insurance, and to provide penalties therefor.
Assembly action: p. 553.

727—Drew—An Act to prohibit discrimination by life insurance companies, and to provide penalties for violation thereof.
Assembly action: p. 553.

728—Drew—An Act providing for and regulating the election of directors, trustees or governing boards of mutual life insurance companies.
Assembly action: pp. 553, 1299.

729—Drew—An Act relating to the compensation of and contracts with officers, trustees, directors, and employés of life insurance companies.
Assembly action: p. 553.

730—Drew—An Act relating to vouchers for certain disbursements by life insurance companies in this State.
Assembly action: p. 553.

731—Drew—An Act permitting the retirement of capital stock of mutual life insurance corporations in certain cases.
Assembly action: p. 553.

732—Drew—An Act relating to annual reports of life insurance companies.
Assembly action: p. 553.

733—Drew—An Act to amend an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 21, 1905.
Assembly action: pp. 553, 1336, 1487, 1509.

734—Drew—An Act to repeal Section 444 of the Civil Code, relating to investments by certain life, health, and accident insurance corporations.
Assembly action: pp. 553, 1336, 1487, 1509.

735—Drew—An Act to repeal an Act entitled "An Act to repeal Section 427 of the Act entitled 'An Act to establish a Civil Code of the State of California,' approved March 21, 1872, and to add a new section thereto, to be numbered 421, both in relation to how funds of insurance companies may be invested," approved March 3, 1905.
Assembly action: pp. 554, 1336, 1487, 1509.

736—Drew—An Act to amend Section 431 of the Civil Code of the State of California, relating to amounts to be reserved by life insurance companies.
Assembly action: pp. 554, 1169, 1336, 1487, 1509.

737—Drew—An Act to amend Section 428 of the Civil Code, relating to the limitation of risks of insurance corporations.
Assembly action: p. 554.

738—Drew—An Act to repeal an Act entitled "An Act to extend the time for filing with the Insurance Commissioner statements of insurance business transacted during the year ending December 31, 1905, within the time prescribed by law, and to remit penalties for failing to file the same," approved June 14, 1906.
Assembly action: pp. 554, 1336, 1488, 1509.

739—Drew—An Act to appropriate the sum of $2,536.76 to pay the claim of the Ætna Life Insurance Company, of Hartford, Connecticut, against the State of California.
Assembly action: pp. 554, 1336, 1399, 1529, 1567, 1842.

740—Drew—An Act to appropriate the sum of $889.95 to pay the claim of the Bankers' Life Association of Des Moines, Iowa, against the State of California.
Assembly action: pp. 554, 1336, 1399, 1529, 1567, 1843.

741—Drew—An Act to appropriate the sum of $1,762.79 to pay the claim of the Germania Life Insurance Company of New York against the State of California.
Assembly action: pp. 554, 1336, 1399, 1529, 1567, 1843.

742—Drew—An Act to appropriate the sum of $11.31 to pay the claim of the Life Association of America against the State of California.
Assembly action: pp. 554, 1336, 1399, 1529, 1567, 1843.

743—Drew—An Act to appropriate the sum of $349.60 to pay the claim of the Minnesota Mutual Life Insurance Company against the State of California.
Assembly action: pp. 554, 1336, 1399, 1529, 1567, 1843.

744—Drew—An Act to appropriate the sum of $222.85 to pay the claim of the Northwestern National Life Insurance Company against the State of California.
Assembly action: pp. 554, 1336, 1399, 1530, 1567, 1843.

745—Drew—An Act to appropriate the sum of $3,462.11 to pay the claim of the New England Mutual Life Insurance Company against the State of California.
Assembly action: pp. 555, 1336, 1399, 1530, 1567, 1843.

746—Drew—An Act to appropriate the sum of $1,531.91 to pay the claim of the Prudential Insurance Company of America against the State of California.
Assembly action: pp. 555, 1336, 1399, 1530, 1567, 1843.

747—Drew—An Act to appropriate the sum of $60.51 to pay the claim of the Security Mutual Life Insurance Company against the State of California.
Assembly action: pp. 555, 1336, 1399, 1530, 1567, 1843.

748—Eshleman—An Act making an appropriation of $2,900 to be applied to the cost of grading, curbing with wood, macadamizing, and concrete guttering Hearst Avenue in Berkeley, along the northerly boundary of the grounds of the University of California, and defining the duties of the Controller and Treasurer in reference thereto.
Assembly action: pp. 555, 1028, 1065, 1088, 1099, 1604, 1814.
Senate action: p. 1601.

749—Leeds—An Act repealing an Act entitled "An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles, for the use of State officers, or the officers and employés of State institutions," approved March 19, 1903.
Assembly action: pp. 555, 1135, 1226, 1359, 1433, 1762, 1848.
Senate action: p. 1760.

750—Leeds—An Act to amend Section 2004 of the Code of Civil Procedure, stating the definition of a deposition.
Assembly action: pp. 555, 739, 783, 798, 988, 1706, 1816.
Senate action: p. 1705.

751—Leeds—An Act to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State.
Assembly action: pp. 555, 739, 783, 798, 988, 1706, 1816.
Senate action: p. 1705.

752—Leeds—An Act to provide for the licensing of architects and for the regulation of the practice of architecture as a profession.
Assembly action: pp. 555, 898, 1002, 1096, 1186, 1284, 1516.

753—Pierce—An Act to amend an Act entitled "An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank when the same does not exceed the sum of $300," approved February 18, 1874, and an Act amendatory thereof, approved March 8, 1895.
Assembly action: pp. 555, 960, 1067, 1146, 1186.
Senate action: p. 1829.

754—Davis—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, and the Act amendatory thereof, approved March 11, 1887, by changing the division line between said San Benito County and Monterey County, so as to include in said San Benito County a part of said Monterey County, and in said Monterey County a part of said San Benito County.
Assembly action: pp. 555, 1844.

755—Fisher—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the several Acts amendatory thereof and supplemental thereto, by adding one new section thereto, to be numbered Section 13*a*, relating to the duties of boards of supervisors, providing how, and under what conditions, ordinances adopted by boards of supervisors, regulating or prohibiting the sale of malt, vinous, or other intoxicating liquors, and regulating or prohibiting the issuance of licenses for the sale thereof, shall take effect; and providing for compensation to persons who sustain loss or suffer damages by the taking effect and enforcement of such ordinances.
Assembly action: pp. 556, 1165, 1236, 1285, 1481.

756—Wyatt—An Act to provide for the payment of the claim of Fred A. Treat, District Attorney of Monterey County, for costs in foreclosing delinquent purchasers of State school lands, and making an appropriation therefor.
Assembly action: pp. 556, 1261, 1399, 1528, 1574, 1686, 1830, 1863.
Senate action: p. 1827.

757—Wyatt—An Act to amend Section 323 of the Civil Code, relating to the contents of certificates of stock of corporations for profit.
Assembly action: pp. 556, 774, 893, 910, 953, 1552, 1790.
Senate action: p. 1549.

758—Wyatt—An Act to amend Section 290 of the Civil Code, relating to the contents of articles of incorporation of corporations.
Assembly action: pp. 556, 774, 893, 910, 953, 1556, 1762, 1849.
Senate action: p. 1760.

759—Wyatt—An Act to amend Sections 227, 228, and 229 of the Political Code, and to repeal Section 230 thereof, relating to the election of members of the Legislature.
Assembly action: pp. 556, 774, 893, 910, 954, 1552, 1789.
Senate action: p. 1550.

760—Walsh—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.
Assembly action: pp. 556, 1793.

761—Walsh—An Act to amend Section 160 by adding a new subdivision thereto, to be known and designated as seventeen, of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and all Acts amendatory thereof, relating to the salaries of county and township officers in counties of the third class, and repealing all conflicting Acts.
Assembly action: pp. 556, 1793.

762—Lynch—An Act creating a contingent fund for the use of the State Prison at Folsom, and making an appropriation therefor, to be expended for the objects hereinafter specified: for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.
Assembly action: pp. 556, 731, 781, 1520.

763—Lynch—An Act making an appropriation for the repair of the buildings belonging to the State Prison at Folsom and occupied as residences by the officers and employés thereof.
Assembly action: pp. 557, 731, 782, 1521, 1578, 1596.

764—Committee on Labor and Capital—An Act to regulate the practice of shoeing horses and mules, and other animals, in the State of California, and to require all farriers to pass an examination as to their proficiency on the following subjects: Anatomy of the feet of horses and mules, the making and fitting of shoes to the feet of horses and mules, in preparing the feet of horses and mules for shoes, and putting shoes on horses and mules, in driving nails in the feet of horses and mules, and in doing such other things as will advance the science of shoeing horses and mules to the best interests of the horse and mule, and all other animals, in the most skillful and scientific manner.
Assembly action: pp. 557, 669, 697, 1046.

765—Lemon—An Act to amend Section 20 of an Act entitled "An Act to provide for the work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885.
Assembly action: pp. 557, 776, 958, 1067, 1088, 1094, 1503, 1715.
Senate action: p. 1501.

766—O'Brien—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, and to repeal Chapter XXXII of the Statutes of 1883.
Assembly action: pp. 557, 860, 929, 964, 1177.

767—McConnell—An Act to amend the Penal Code of California by adding thereto a new section, to be numbered 462, relating to burglary with explosives, and the punishment thereof.
Assembly action: pp. 557, 699, 761, 875, 930, 1265, 1425.
Senate action: p. 1263.

768—Beardslee—An Act to provide for the erection on the grounds of the Stockton State Hospital, Stockton, California, of a building to be used as a receiving ward for the treatment of acute cases by hydrotherapy and electricity.
Assembly action: pp. 557, 1788.

769—Johnson of Sacramento—An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation.
Assembly action: p. 591.

770—Johnson of Sacramento—An Act to amend Section 987 of the Penal Code.
Assembly action: pp. 591, 898, 1002, 1045, 1186, 1284, 1336.

771—Johnson of Sacramento—An Act to add a section to the Code of Civil Procedure, to be known as Section 1034½, relating to costs in civil actions and proceedings.
Assembly action: pp. 591, 897, 1230.

772—Johnson of Sacramento—An Act to amend Section 453 of the Code of Civil Procedure, relating to striking out sham and irrelevant answers and irrelevant and redundant matters inserted in a pleading.
Assembly action: pp. 592, 897, 1230.

773—Johnson of Sacramento—An Act to add a section to the Code of Civil Procedure, to be known as Section 1033½, relating to costs in civil actions and proceedings.
Assembly action: pp. 592, 897, 1230.

774—Johnson of Sacramento—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.
Assembly action: pp. 592, 898, 1002, 1096, 1185.

775—Johnson of Sacramento—An Act to add a new section to the Code of Civil Procedure, to be numbered 431*a*, providing for the imposition of a court fee on the overruling of a demurrer.
Assembly action: pp. 592, 898, 1230.

776—Transue—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.
Assembly action: pp. 592, 1546.

777—Transue—An Act to amend Section 501 of the Political Code, relating to fees to be charged by the Register of the State Land Office.
Assembly action: pp. 592, 773, 926, 964, 995.

778—Stanton—An Act to change the boundaries of the County of Los Angeles.
Assembly action: pp. 592, 1214, 1301, 1397, 1582.

779—Stanton—An Act to provide for the purchase of a portrait of ex-Governor George C. Pardee by the State Board of Examiners, and to appropriate money therefor.
Assembly action: pp. 592, 1028, 1065, 1088, 1095, 1604, 1814.
Senate action: p. 1601.

780—Thompson of Los Angeles—An Act to amend Section 9 of an Act entitled "An Act to amend Section 159 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, their assistants, deputies, clerks, and employés," approved March 18, 1903.
Assembly action: pp. 592, 1793.

781—Wyatt—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, to the increase or diminution of their capital stock, and to the creation or increase of bonded indebtedness of corporations, including the creation or increase of a consolidated bonded indebtedness by two or more corporations.
Assembly action: pp. 592, 774, 892, 982, 1112, 1257, 1294, 1552, 1790.
Senate action: p. 1549.

782—Wyatt—An Act to amend Section 1499 of the Code of Civil Procedure of the State of California, relating to claims against the estates of deceased persons.
Assembly action: pp. 592, 774, 893, 910, 952, 1552, 1789.
Senate action: p. 1550.

783—Sackett—An Act to establish a State training high school near or on the grounds of the University of California, at Berkeley, in the County of Alameda, and making an appropriation therefor.
Assembly action: pp. 593, 698, 1343.

784—Transue—An Act to amend Section 401 of the Civil Code of the State of California, relating to corporations, and providing for the extension of the terms of existence of corporations.
Assembly action: pp. 593, 695, 725, 756, 885, 997, 1097, 1159, 1404, 1598.
Senate action: p. 1402.

785—O'Brien—An Act to amend Section 324 of the Civil Code, relating to the transfer of stock in corporations.
Assembly action: pp. 593, 773, 887, 1045, 1052, 1314, 1596.
Senate action: p. 1311.

786—Jury—An Act to amend the Political Code, by adding thereto a new section, to be numbered 419*a*.
Assembly action: pp. 605, 751, 786, 799, 990, 1604, 1814.
Senate action: p. 1601.

787—Sackett—An Act to amend Section 1775 of the Political Code of the State of California, relating to the issuance of teachers' certificates.
Assembly action: pp. 605, 1257.

788—Thompson of San Francisco—An Act to amend an Act entitled "An Act for the certification of land titles, and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto, to be numbered 114*a*, 114*b*, and 114*c*, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund, and the determination and disposition of claims against the same.
Assembly action: pp. 605, 739, 782, 872, 987, 1314, 1597.
Senate action: p. 1311.

789—Weske—An Act making an appropriation to pay the claim of F. A. Cromwell against the State of California.
Assembly action: pp. 605, 1029, 1168, 1231, 1286, 1296.

790—Leeds—An Act to add a new section to the Penal Code, to be numbered Section 628*e*, to prevent the catching of surf fish, yellow fin, or spot-fin croaker, and providing penalties therefor.
Assembly action: pp. 605, 1788.

791—Johnson of Sacramento—An Act to add a new section to the Political Code, to be numbered 1617*a*, requiring that the United States flag shall be hoisted on all public school houses and displayed in each schoolroom.
Assembly action: pp. 605, 698, 758, 798, 886.

792—Butler—An Act to amend Section 15 of an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889, relating to moneys received by the wardens thereof.
Assembly action: pp. 605, 770, 782, 798, 844.

793—Butler—An Act creating a contingent fund for the use of the State Prison at San Quentin, and making an appropriation therefor, to be expended for the objects hereinafter specified; for the purchase of machinery and equipment to replace machinery and equipment already installed, for the repair of machinery and equipment already installed, for the purchase and installation of a ventilating system for the jute mill, for the transportation of criminal insane, for the apprehension and return of escaped prisoners, including paroled men who have been ordered returned, and for such other and further uses as may be deemed necessary by the State Board of Prison Directors.
Assembly action: pp. 605, 770, 1520.

794—Committee on Election Laws—An Act to regulate nominations of public officers in party conventions by instructing delegates thereto and limiting their powers.
Assembly action: pp. 632, 693, 773, 778, 973, 1042, 1144.

795—Johnson of San Diego—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the right and obligations arising between such new counties and other counties.
Assembly action: pp. 632, 1793.

796—Hewitt—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.
Assembly action: pp. 632, 1057, 1111, 1147, 1339, 1370.

797—Hammon—An Act to repeal an Act entitled "An Act to amend an Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, by amending Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provisions for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof, approved June 13, 1906.
Assembly action: pp. 632, 1840.

798—Held—An Act to provide for the erection of a cottage on the lands of the Mendocino State Hospital, and to appropriate money therefor.
Assembly action: pp. 632, 927, 1146, 1149, 1830, 1864.
Senate action: p. 1827.

799—Sackett—An Act to amend Section 1817 of the Political Code, relating to county, and city and county school tax.
Assembly action: pp. 632, 731, 782, 798, 986, 1605, 1814.
Senate action: p. 1603.

800—Sackett—An Act to amend Section 1770 of the Political Code, relating to duties of county boards of education.
Assembly action: pp. 632, 731, 782, 798, 986, 1338, 1597.
Senate action: p. 1337.

801—Lemon—An Act to ratify a deed of conveyance made by the Southern California State Hospital to the Bear Valley Mutual Water Company.
Assembly action: pp. 632, 793, 891, 910, 993, 1338, 1597.
Senate action: p. 1337.

802—Birdsall—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending Subdivision 1 of Section 1, and Subdivision 4 of Section 4 thereof, relating to the rights of local authorities to regulate the use of public highways by motor vehicles.
Assembly action: pp. 632, 772, 909, 1274, 1365, 1375, 1558, 1582, 1682.

803—Coghlan—An Act to provide for the reproduction of books, documents, maps, or records of any city, county, or city and county board or officer, where the same have been destroyed by conflagration or other public calamity.
Assembly action: pp. 633, 1838.

804—Chandler—An Act empowering the Governor to appoint a committee to examine into the condition and requirements of State institutions, prescribing its duties, and providing for the compensation of its members.
Assembly action: pp. 633, 772, 925, 1070, 1079, 1175, 1218, 1318.

805—Baxter—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and privileges in relation thereto, and providing for the punishment thereof," approved February 23, 1893.
Assembly action: pp. 633, 1844.

806—Stetson—An Act to prescribe the duties of certain attendants at State hospitals for the insane, and repealing Acts in conflict herewith.
Assembly action: pp. 633, 1788.

807—Beckett—An Act to amend an Act to appropriate money for the support of orphans, half orphans, and abandoned children, approved March 25, 1880, by adding a new section, No. 9, relating to furnishing the series of school text-books published by this State, to institutions in this State, conducted for the support and maintenance of minor orphans, half orphans, and abandoned children, and to appropriate money for the purchase of said text-books.
Assembly action: pp. 633, 1273, 1305, 1377, 1417, 1479, 1797, 1862.
Senate action: p. 1795.

808—McConnell—An Act to amend Section 7 of an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880, relating to the age of the children referred to therein.
Assembly action: pp. 633, 1028, 1108, 1147, 1190, 1552, 1789.
Senate action: p. 1551.

809—McConnell—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, known as county sheep inspector and assistant county sheep inspector, and their compensation, and providing for prosecution and punishment under the same, and to suppress and prevent dissemination of scab, scabies and all other infectious or contagious diseases among sheep.
Assembly action: pp. 633, 961, 1068, 1096, 1172, 1284, 1368, 1552, 1789.
Senate action: p. 1551.

810—Vogel—An Act to provide for the purchase of the building and site of the old Mission Dolores, at San Francisco, California, constituting a board of trustees to maintain the same as a California landmark, and appropriating the sum of $50,000 therefor.
Assembly action: pp. 633, 1546.

811—Vogel—An Act to encourage the propagation of striped bass in the State of California, and making an appropriation of $10,000 therefor.
Assembly action: p. 634.

812—Wlfitmore—An Act to permit boards of directors of irrigation districts organized or existing under and by virtue of an Act of the Legislature, entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, the Act or Acts supplemental or amendatory thereof, or the Act or Acts of which said Act is supplemental or amendatory; to provide for the payment in two installments of the assessments levied under and in accordance with the provisions of the said Act or Acts.
Assembly action: pp. 634, 961, 1069, 1096, 1127, 1504, 1715.
Senate action: p. 1502.

813—Butler—An Act to amend Section 1 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which became a law under the constitutional provision without the Governor's approval, February 27, 1901.
Assembly action: p. 634.

814—Pierce—An Act to insure the better education of practitioners of veterinary medicine, and to regulate the practice of veterinary medicine in the State of California, to provide for the creation of a board of five members who shall act under and in accordance with the provisions of this Act; to provide for their appointment, and define their powers, duties and compensation; to define offenses committed by acts done contrary to the provisions of this Act, and providing penalties for the violation thereof; providing for the revocation or suspension, in certain cases, of licenses issued hereunder, and to repeal an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, amended and approved March 20, 1903, and all other laws in conflict herewith.
Assembly action: pp. 634, 961, 1068, 1096, 1127, 1215, 1221, 1503, 1715.
Senate action: p. 1501.

815—Wyatt—An Act to make an appropriation to straighten and confine the channel of the Salinas River and protect the banks thereof from erosion, by means of jetty work and riprap.
Assembly action: pp. 634, 1546.

816—Wyatt—An Act to amend Section 1232 of the Code of Civil Procedure, relating to the voluntary dissolution of corporations.
Assembly action: pp. 634, 774, 893, 910, 952, 1552, 1789.
Senate action: p. 1550.

817—Wyatt—An Act to amend Section 3198 of the Political Code, relating to the recording of trademarks.
Assembly action: pp. 634, 774, 893, 910, 952, 1552, 1789.
Senate action: p. 1550.

818—Wyatt—An Act to amend Section 1279 of the Code of Civil Procedure, relating to the filing in the office of the Secretary of State of a certified copy of a decree of court changing the name of a person or corporation.
Assembly action: pp. 635, 774, 893, 910, 951, 1552, 1789.
Senate action: p. 1550.

819—Wyatt—An Act to amend Section 416 of the Political Code, relating to the fees of the Secretary of State.
Assembly action: pp. 635, 893, 910, 951, 1556, 1791.

820—Berry—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be designated as Section 151, relating to offenses against public justice.
Assembly action: pp. 635, 1398, 1528, 1574.

821—Beardslee—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California, and to make an appropriation therefor.
Assembly action: pp. 635, 1059, 1114, 1162, 1164.

822—Beardslee—An Act to classify the roads in the State of California, and to define each class.
Assembly action: pp. 635, 1059, 1114, 1162, 1163, 1370, 1798, 1862.
Senate action: p. 1796.

823—Committee on Public Health and Quarantine—An Act for preventing the manufacture and sale of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors, and drugs, and making an appropriation therefor.
Assembly action: p. 656.

824—Held—An Act amending the Political Code of the State of California by adding thereto a new section, numbered 3571½, relating to the public lands of the State.
Assembly action: pp. 662, 1544.

825—Held—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, schools, and other State institutions for the remainder of the fifty-eighth fiscal year.
Assembly action: pp. 662, 962, 1064, 1088, 1097, 1407, 1702, 1816.
Senate action: p. 1603.

826—Stetson—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and making an appropriation therefor.
Assembly action: pp. 662, 1220, 1286, 1302, 1317, 1374, 1830, 1863.
Senate action: p. 1827.

827—Root—An Act to create the office of State Game Warden, and to define his powers and duties, and to provide for the protection of the game by the use of such moneys only as are contributed by those who kill it.
Assembly action: pp. 663, 963, 1106, 1182, 1187.

828—Root—An Act to pay the claim of Mrs. John F. Kidder against the State of California.
Assembly action: pp. 663, 899, 1220, 1231, 1286, 1295, 1692, 1815.
Senate action: p. 1691.

829—Vogel—An Act to amend Section 628*a* of the Penal Code, relating to striped bass.
Assembly action: pp. 663, 1788.

830—McGuire—An Act to amend Section 3446 of the Political Code, relating to the formation of reclamation districts.
Assembly action: p. 663.

831—McConnell—An Act fixing the price, terms, and conditions of sale at which jute goods shall be sold by the State, and providing for prosecution of and punishment for offenses under the same.
Assembly action: pp. 663, 998, 1097, 1125, 1552, 1791.
Senate action: p. 1548.

832—Collister—An Act to define the duties of and to license land surveyors, and to repeal an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.
Assembly action: pp. 663, 1274, 1331, 1365.

833—Davis—An Act to punish combinations in restraint of trade.
Assembly action: pp. 663, 909, 1838.

834—Johnson of Sacramento—An Act fixing time for passing sentence in criminal actions.
Assembly action: pp. 663, 1064, 1838.

835—Johnson of Sacramento—An Act providing that credits allowed prisoners in the State prisons and serving more than one sentence be computed and allowed on all the terms of sentence as on one continuous term sentence.
Assembly action: pp. 663, 1398, 1528, 1574.

836—Walsh—An Act making an appropriation to pay the claim of Victor Heck against the State of California.
Assembly action: pp. 663, 899, 1309, 1339.

837—Wyatt—An Act to add a new section to the Political Code, to be known as Section 560, relating to the amount of capital stock necessary to be paid up before a corporation may be permitted to act as executor, administrator, guardian, assignee, receiver, depository, or trustee.
Assembly action: pp. 663, 696, 756, 885.

838—Stanton—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Alaska-Yukon Pacific Exposition, to be held in the City of Seattle, Washington, in 1909, and to provide for a commissioner thereof.
Assembly action: pp. 663, 1028, 1108, 1147, 1191, 1598.

839—Transue—An Act to amend Sections 10 and 11 of an Act entitled "An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of parties to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such parties; and providing when proceedings under this Act shall be admissible in evidence."
Assembly action: pp. 664, 795, 891, 910, 993, 1404.
Senate action: p. 1403.

840—Transue—An Act to amend Section 3788 of the Political Code and to repeal Section 15 of an Act entitled "An Act to amend Section 3765, Section 3773, Section 3780, Section 3781, Section 3785, Section 3788, Section 3813, Section 3816, and Section 3817; and to repeal Section 3774, Section 3775, Section 3776, Section 3777, Section 3779, Section 3782, Section 3783, Section 3784, and Section 3818 of an Act of the Legislature of the State of California, entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the sale of real property for delinquent taxes, and the redemption and resale of such property; and to add a new section thereto, to be known and designated as Section 3801, also relating to the sale of real property for delinquent taxes," approved February 25, 1895, all relating to the sale of State lands.
Assembly action: pp. 664, 1193, 1242, 1397, 1485, 1574, 1832, 1863.
Senate action: p. 1830.

841—Transue—An Act providing for the appointment of a highway commission in any county in the State, declaring the powers and duties of such commission, and providing for the laying out, constructing, straightening, improvement, and repair of main public highways, providing for the acceptance of donations and for voting, issuing and selling county bonds to pay for such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor.
Assembly action: pp. 664, 773, 888, 1045, 1052, 1830, 1863.
Senate action: p. 1828.

842—Ludington—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercise in public schools.
Assembly action: pp. 664, 897, 1001, 1045, 1221, 1288, 1289, 1552, 1791.
Senate action: p. 1548.

843—Coghlan—An Act to amend Section 920 of the Penal Code of the State of California, by providing that upon application by the defendant the grand jury is bound to hear evidence on his behalf.
Assembly action: pp. 664, 1058, 1113, 1216, 1518, 1524, 1561.
Senate action: p. 1551.

844—Committee on Building and Loan Associations—An Act to repeal Title XVI, of Part IV, of Division First, of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said Code, relating to land and building corporations, also called building and loan associations, and to other similar corporations and associations, and prescribing penalties for the violation thereof.
Assembly action: pp. 708, 765, 798, 856, 910, 986, 1338, 1598.
Senate action: p. 1337.

845—Held—An Act to provide for the completion of a cottage for female patients at the Mendocino State Hospital, and making an appropriation therefor.
Assembly action: pp. 708, 793, 1340.

846—Held—An Act to provide for furnishing a cottage for male patients at the Mendocino State Hospital, and making an appropriation therefor.
Assembly action: pp. 708, 793, 861, 928, 1070, 1079, 1604, 1814.
Senate action: p. 1601.

847—Held—An Act to provide for the completion of a water tower at the Mendocino State Hospital, and to make an appropriation therefor.
Assembly action: pp. 708, 793, 861, 927, 964, 996, 1338, 1597.
Senate action: p. 1337.

848—Held—An Act to amend Section 13 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.
Assembly action: pp. 708, 1273, 1274.

849—Held—An Act to amend Section 18 of the Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, the Act known as "The County Government Act."
Assembly action: pp. 708, 1260, 1329, 1360, 1478.

850—Held—An Act to provide for the furnishing and equipment of a cottage for female patients to be erected on the premises of the Mendocino State Hospital, and making an appropriation therefor.
Assembly action: pp. 708, 793, 861, 927, 964, 995, 1318, 1338, 1597.
Senate action: p. 1337.

851—Lynch—An Act to create a reclamation district, to be called "Reclamation District No. 800," and providing for the control and management thereof.
Assembly action: pp. 708, 1168, 1241, 1285, 1484.

852—Lynch—An Act relating to life, health, and accident insurance of live stock on the assessment plan, and the conduct of the business of such insurance.
Assembly action: pp. 708, 1165, 1239, 1285, 1372, 1692, 1815.
Senate action: p. 1691.

853—Barry—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.
Assembly action: pp. 709, 1058, 1113, 1148, 1192, 1214.

854—Bishop—An Act to amend Section 102 of the Civil Code of the State of California, relating to desertion in connection with actions of divorce.
Assembly action: pp. 709, 1064, 1838.

855—Pierce—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.
Assembly action: pp. 709, 961, 1068, 1096, 1126, 1604, 1814.
Senate action: p. 1601.

856—Jury—An Act to amend Section 3627 of the Political Code of the State of California, relating to the taxation and assessment of property.
Assembly action: pp. 709, 1840.

857—Whitmore—An Act to appropriate money for payment of the claim of Dr. Arthur Marten, against the State of California, for damages for wrongs and injuries inflicted upon him by the negligence of the State of California, and directing the payment thereof, and dismissing all litigation against the State and all State institutions and officials arising out of or connected therewith, now pending in any of the courts.
Assembly action: pp. 709, 1133, 1260.

858—Kelly—An Act to repeal an Act entitled "An Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County," approved March 18, 1905.
Assembly action: pp. 709, 861, 1001, 1045, 1085.

859—Leeds—An Act approving leases heretofore made by counties or municipalities of certain lands belonging to the State.
Assembly action: pp. 709, 1306, 1377, 1417, 1479.

860—Cogswell—An Act to amend Section 590 of the Penal Code, and to add a new section to said Code, to be numbered Section 590*a*, relating to the removal, injury, destruction, breaking, or defacing of mile boards, posts or stones, or guide posts on or near highways, to the punishment thereof, and to the disposition of fines collected therefor.
Assembly action: pp. 709, 1000, 1045, 1085, 1762, 1849.
Senate action: p. 1760.

861—Bush—An Act to amend Section 172 of the Penal Code, relating to keeping intoxicating liquors within or contiguous to certain State buildings and grounds.
Assembly action: pp. 709, 962, 1069, 1096, 1158, 1207, 1216, 1289, 1292.

862—John—An Act to authorize suits against the State of California, concerning certain real property, and regulating the procedure therein.
Assembly action: pp. 709, 1838.

863—John—An Act to protect the occupants of automobiles, or other self-propelled vehicles, other than those operating or traveling on rails, from injury by prohibiting the use of such vehicles if not equipped with safety devices.
Assembly action: pp. 710, 1838.

864—Stetson—An Act to amend the Political Code by adding a new section thereto, to be numbered 1115*a*, requiring the county clerks, and the registrar of voters of the City and County of San Francisco to furnish the Secretary of State with a certified copy of the index and supplements to the great register.
Assembly action: pp. 710, 899, 999, 1046, 1080, 1176.

865—Eshleman—An Act to amend Section 1970 of the Civil Code of the State of California, relating to the responsibility of employers for injury to or death of employés.
Assembly action: pp. 713, 876, 998, 1046, 1160.

866—Committee on Election Laws—An Act to regulate the conduct of election campaigns, and repealing an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.
Assembly action: pp. 743, 925, 964, 994, 1606, 1814.
Senate action: p. 1603.

867—Committee on Judiciary—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 6 of said Act, and by adding a new section thereto, to be known as Section 6*a*, the latter relating to the consolidation in one action of proceedings under said Act of March 17, 1897, and proceedings authorized by "An Act to provide for the establishment and quieting of titles to real estate in cases of the loss or destruction of public records," approved June 16, 1906.
Assembly action: pp. 743, 909, 990, 1097, 1123, 1503, 1714.
Senate action: p. 1500.

868—Stetson—An Act to amend Section 1240 of the Code of Civil Procedure, specifying the property which may be taken under the law of eminent domain, and authorizing proceedings therefor.
Assembly action: pp. 743, 1134, 1234, 1417, 1518, 1762, 1849.
Senate action: p. 1759.

869—Bishop—An Act to amend Section 1154 of the Code of Civil Procedure, relating to commitment for contempt in civil actions.
Assembly action: pp. 743, 1001, 1045, 1085, 1705, 1816.
Senate action: p. 1705.

870—Hewitt—An Act to dissolve Protection District No. 2 of Yuba County, California, and providing for the liquidation and winding up of said dissolved district.
Assembly action: pp. 743, 1167, 1241, 1285, 1394.

871—Cogswell—An Act to provide for the formation, organization, and classification of new counties, for locating the county seats, for the election and appointment of officers, and for the adjustment and fulfillment of the rights and obligations arising between such new counties and other counties.
Assembly action: pp. 743, 804, 1055, 1109, 1216, 1374.

872—McClelland—An Act to create a fund to be known as the United States Forest Reserve Fund and to provide for the payment out of such fund to the treasurers of the several counties entitled thereto of certain moneys received from the government of the United States, and also to regulate the manner of expenditures by the counties of the moneys so paid.
Assembly action: pp. 744, 962, 1105, 1292, 1552, 1726.
Senate action: p. 1550.

873—Cornish—An Act to accept from E. P. Winslow Post No. 79, Grand Army of the Republic, Department of California and Nevada, the conveyance of, and to vest the title in the State of California of the improvements, buildings, and furnishings therein and thereon at La Tour Soda Springs, Whitmore Postoffice, in Shasta County, and appropriating the sum of $3,000 for the purpose of purchasing ten acres or more of land, and for the improvement thereof, at and about and whereon the said improvements, buildings, and soda springs are located, and to maintain and care for the same as and for a free rooming, camping grounds, resting place, and health resort for aged, indigent ex-soldiers, sailors, and marines of the United States army; to be known as Winslow Veterans' Home; and to provide for the government thereof by the State of California.
Assembly action: pp. 744, 1308, 1339.

874—Lynch—An Act to amend Section 162 of "An Act to establish a uniform system of county and township government," approved April 1, 1897, amended March 19, 1903, and amended March 20, 1905.
Assembly action: pp. 744, 1164, 1175, 1793.

875—Committee on Military Affairs—An Act to amend Sections 1908, 1914, 1916, 1922, 1923, all of the Political Code of the State of California, relating to the enrolled militia.
Assembly action: pp. 744, 925, 964, 971, 1503, 1715.
Senate action: p. 1500.

876—Committee on Military Affairs—An Act to amend Sections 1925, 1928, 1929, 1931, 1932, 1933, 1953, 1954, 1955, 1958, 1965, 1967, 1985, 2003, 2004, 2021, 2044, 2045, 2079, 2081, 2105, 2111, 2112, all of the Political Code of the State of California, relating to the National Guard.
Assembly action: pp. 744, 925, 964, 972, 1553, 1609, 1815.
Senate action: p. 1552.

877—Committee on Military Affairs—An Act to amend Section 1 of an Act entitled "An Act making an appropriation to pay the claims for services, subsistence, supplies, transportation, and other expenses of the National Guard of California and the University Cadets, called into service by order of the Governor in the months of April, May, and June, 1906," approved June 14, 1906.
Assembly action: pp. 744, 925, 964, 972.

878—Whitmore—An Act to provide for drainage by irrigation districts.
Assembly action: pp. 744, 961, 1069, 1096, 1161.

879—Davis—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to elections, by eliminating all references therein to the party circle on ballots.
Assembly action: pp. 744, 1309, 1379, 1567, 1577, 1724.

880—Cutten—An Act making an appropriation to repay to Thomas Bair moneys paid by him into the county treasury of Humboldt County for land purchased by him under location 1223.
Assembly action: pp. 744, 1521, 1567, 1569, 1762, 1848.
Senate action: p. 1760.

881—Committee on Military Affairs—An Act appropriating $4,500 to pay the claim of J. B. Lauck.
Assembly action: pp. 745, 1275, 1331, 1360, 1584.

882—Hans—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to equip and maintain a fire department, and to assess and collect taxes, from time to time, for such purpose, and to create a board of fire commissioners," approved March 4, 1881, and amended March 6, 1899.
Assembly action: pp. 745, 1013, 1108, 1146, 1188, 1604, 1814.
Senate action: p. 1603.

883—Wyatt—An Act to amend Sections 405 and 408 of the Civil Code, relating to corporations.
Assembly action: pp. 745, 1029, 1115, 1216, 1552, 1790.
Senate action: p. 1549.

884—Ludington—An Act authorizing the Governor to appoint a commission to investigate the fish and fishing industry and wild game of the State relative to propagation, preservation, and better protection thereof, and making an appropriation therefor.
Assembly action: pp. 745, 1788.

885—Beardslee—An Act to add to the Code of Civil Procedure of the State of California a new section to be numbered 530½, relating to injunctions.
Assembly action: pp. 745, 1134, 1232, 1286, 1296.

886—Beardslee—An Act to amend Section 530 of the Code of Civil Procedure of the State of California, relating to injunctions.
Assembly action: pp. 745, 1134, 1233, 1286, 1296, 1503, 1714.
Senate action: p. 1501.

887—Beardslee—An Act to enable adjoining counties to enter into agreements for the construction, rebuilding, replacing or relocation of bridges over navigable waters between said counties jointly with other persons or corporations.
Assembly action: pp. 745, 1005, 1107, 1146, 1188, 1503, 1715.
Senate action: p. 1500.

888—Transue—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 3524, relating to the sale of certain State lands.
Assembly action: pp. 769, 1838.

889—Transue—An Act to authorize the United States of America to sue the State of California.
Assembly action: pp. 769, 1838.

890—Cogswell—An Act making an appropriation to be used to develop water and furnish equipment for the same, and to repeal Chapter CCLXIII, Statutes 1905, all relating to the water supply at the Whittier State School.
Assembly action: pp. 769, 1275, 1303, 1317, 1347, 1692, 1815.
Senate action: p. 1691.

891—Thompson of Los Angeles—An Act to add a new section to the Political Code, to be numbered Section 1671*a*, relating to the issue of bonds for the support of county high schools.
Assembly action: pp. 769, 897, 1001, 1045, 1086, 1404, 1598.
Senate action: p. 1402.

892—Johnson of Sacramento—An Act appropriating money to pay rent already incurred and rent to be incurred during the next two fiscal years by the District Court of Appeal for the Third Appellate District of the State of California, to pay for janitor services for said court, and to provide for the maintenance of a law library for said court; also to pay for furnishing and equipping the chambers, court room, clerk's and stenographer's rooms, and the library.
Assembly action: pp. 777, 1350, 1474, 1574, 1577, 1762, 1848.
Senate action: p. 1760.

893—Spaulding—An Act to amend the Civil Code by adding a new section thereto, to be numbered 584, requiring depositor to make objections to balanced or written-up passbook or bankbook or statements of his deposit account within a certain time, or be concluded thereby.
Assembly action: pp. 777, 861, 996, 1097, 1124, 1338, 1597.
Senate action: p. 1337.

894—Spaulding—An Act to amend the Code of Civil Procedure by adding a new section, to be numbered 349½, relating to books or records of any bank, banker, trust company, or savings and loan society that have been lost or destroyed by conflagration, earthquake, or other public calamity, and prescribing a time within which certain actions shall be commenced.
Assembly action: pp. 777, 861, 996, 1097, 1125, 1128, 1338, 1597.
Senate action: p. 1337.

895—Costar—An Act to amend Section 1624 of the Civil Code, relating to what contracts must be in writing.
Assembly action: pp. 777, 1838.

896—Thompson of Los Angeles—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés.
Assembly action: pp. 778, 1164, 1237, 1332, 1483.

897—Wyatt—An Act to amend Section 869 of the Penal Code, relating to the taking and authentication of testimony at preliminary examinations.
Assembly action: pp. 778, 1135, 1235, 1286, 1372.

898—Coghlan—An Act creating a public relief commission, and defining its powers and purposes; providing for the appointment of commissioners in whom its administration shall be vested, and prescribing their duties, powers, and compensation; providing for the rental of offices for the use of the commissioners, and for traveling and office expenses; providing for the appointment of other officers, agents, and servants and for their compensation; providing a course of procedure where any person, firm, or corporation, or society has received, held, distributed, or disposed of, or is receiving, holding, distributing, or disposing of trust funds or trust property in an unsafe or unauthorized manner, where the trust funds or other trust property has been donated, granted, given, or bequeathed for the relief of any sufferers from any earthquake, conflagration, or other disaster; providing for succession in the office of the commissioner, and repealing all Acts and parts of Acts in conflict herewith.
Assembly action: pp. 778, 846, 1168, 1239, 1359.
Senate action: p. 1829.

899—Johnson of Sacramento—An Act authorizing suits against the State on unpaid claims or demands arising under an Act of the Legislature entitled "An Act fixing a bounty on coyote scalps," approved March 31, 1891, regulating the procedure therein, and prescribing the duties of the State Controller and Attorney-General with reference thereto.
Assembly action: pp. 789, 960, 1067, 1096, 1517.

900—Eshleman—An Act to amend Section 53 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to the county and township officers and their terms of office.
Assembly action: pp. 789, 1259, 1329, 1360, 1686, 1863.

901—Root—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended by amending Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 thereof, and by adding two new sections thereto, to be known as Sections 10*a* and 10*b*, relating to a license tax upon corporations, and making provision for settling the affairs of corporations where said tax has not been paid, and providing a penalty for the violation thereof.
Assembly action: pp. 802, 1193, 1243, 1272, 1285, 1291, 1831, 1863.
Senate action: p. 1830.

902—Sackett—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending Section 1617 thereof, in relation to the powers and duties of boards of school trustees and city boards of education.
Assembly action: pp. 803, 1031, 1219, 1328, 1509, 1583, 1830, 1864.
Senate action: p. 1827.

903—Estudillo—An Act creating the office of Superintendent of the State Aid Fund, prescribing the powers and duties thereof, fixing the salary therefor, and designating the fund out of which the expenses of such office shall be paid.
Assembly action: pp. 803, 1005, 1028, 1107, 1146, 1188.

904—Estudillo—An Act making it a misdemeanor for a contractor to employ any person to work more than eight hours any calendar day in the execution of any contract for work done for the State of California, or any political subdivision thereof, or under the direction of any public officer acting in his official capacity.
Assembly action: pp. 803, 981, 1107, 1146, 1187, 1797, 1862.
Senate action: p. 1795.

905—Strohl—An Act to amend Section 4242 of the Political Code, relating to the indorsement and delivery of instruments, papers and notices by county recorders.
Assembly action: pp. 803, 1544.

906—Hammon—An Act to provide for the survey, location, plans and estimate of cost of a highway from the northern boundary of the State to the southern boundary of San Diego County, and making an appropriation therefor.
Assembly action: pp. 803, 1059, 1114, 1162, 1191, 1309, 1725.

907—Hammon—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, by amending Section 34 of said Act.
Assembly action: pp. 803, 1013, 1108, 1147, 1189, 1798, 1863.
Senate action: p. 1796.

908—Drew—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.
Assembly action: pp. 803, 1793.

909—Butler—An Act to amend Section 1373 of the Penal Code, relating to insane defendants in criminal cases committed to State hospitals.
Assembly action: pp. 803, 1306.

910—Butler—An Act to amend Section 928 of the Penal Code, relating to the powers and duties of grand juries.
Assembly action: pp. 803, 1306, 1379, 1417.

911—Whitmore—An Act to prevent the propagation, by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.
Assembly action: pp. 804, 1700.

912—O'Brien—An Act to amend Sections 3 and 8 of an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.
Assembly action: pp. 872, 1308, 1417.

913—O'Brien—An Act to repeal an Act entitled "An Act to further define the powers of the board of trustees of the City of Sacramento," approved March 22, 1886.
Assembly action: pp. 872, 1013, 1108, 1147, 1189, 1797, 1862.
Senate action: p. 1795.

914—O'Brien—An Act to repeal Section 2 of an Act entitled "An Act relating to streets and roads in the City and County of Sacramento," approved March 22, 1874.
Assembly action: pp. 873, 1013, 1108, 1147, 1189, 1797, 1862.
Senate action: p. 1795.

915—Transue—An Act providing for the cancellation of bonds given to secure the performance of the terms and conditions of franchise or privileges granted by the Legislature or other governing body of counties or municipalities, the release of the sureties on such bonds, and the filing and acceptance of new bonds in lieu thereof.
Assembly action: pp. 873, 897, 999, 1046, 1080, 1553, 1726.

916—Transue—An Act to amend Section 16 of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system of licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney-General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemptions of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violation of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners, and the publication thereof.
Assembly action: pp. 873, 1307, 1377, 1417, 1479, 1762, 1849.
Senate action: p. 1760.

917—Smith—An Act to prohibit corrupt influence of agents, employés, or servants.
Assembly action: p. 873.

918—Smith—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.
Assembly action: pp. 873, 1164, 1236, 1417, 1482, 1707, 1816.
Senate action: p. 1705.

919—Smith—An Act to add a new section to the Penal Code, to be numbered Section 556, and relating to the correct weight of agricultural products sold by the bale.
Assembly action: pp. 873, 1169, 1241, 1398, 1484.

920—Johnson of Sacramento—An Act to add a new section to the Political Code, to be numbered Section 1361*a*, and to amend Section 1367 of the Political Code in relation to primary elections.
Assembly action: pp. 873, 1844.

921—Johnson of Sacramento—An Act to amend Section 506 of the Penal Code of the State of California, relating to embezzlement.
Assembly action: pp. 874, 1306, 1379, 1417, 1584, 1862.

922—Hewitt—An Act to add a new section to the Penal Code, to be numbered 271*b*, making it a misdemeanor for any person who shall fail to endeavor in good faith to earn or otherwise provide, when able to do so, money with which to pay, or who fails to pay, whenever and so far as able, any allowance made by the court and directed to be paid by him to the wife for her support, or for the maintenance of any minor child or children of the marriage in any action for divorce, during the pendency of the action at the final hearing, or at any time thereafter, and providing a penalty for such failure.
Assembly action: pp. 874, 1059, 1113, 1216, 1294, 1830, 1864.
Senate action: p. 1827.

923—Beban—An Act to provide for the payment of attorney fees in justices' courts and other inferior courts.
Assembly action: pp. 874, 1498, 1579, 1693, 1722.

924—Hartmann—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the California State Board of Pharmacy for the remainder of the fifty-eighth and for the fifty-ninth and sixtieth fiscal years.
Assembly action: pp. 874, 1057, 1080, 1220, 1246, 1285, 1346, 1762, 1849.
Senate action: p. 1759.

925—Bush—An Act to authorize and empower the Board of Directors of the Veterans' Home of California to purchase, for the State of California and for purposes of said Veterans' Home of California, a certain tract of land in Napa County, State of California, and to appropriate moneys therefor.
Assembly action: p. 874.

926—Forbes—An Act to increase the number of judges of the Superior Court of the County of Tulare, and to provide for the appointment of an additional judge.
Assembly action: pp. 874, 1793.

927—Walsh—An Act to add a new section to the Political Code, to be numbered 759, relating to the employment of a phonographic reporter by each of the District Courts of Appeal, prescribing his duties and compensation, and repealing part of Section 758 of said Code.
Assembly action: pp. 874, 1059, 1081, 1097, 1157.

928—Snyder—An Act to amend Sections 315 and 316 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.
Assembly action: pp. 874, 1059, 1113, 1216, 1365, 1552, 1789.
Senate action: p. 1550.

929—Weske—An Act to authorize and enable the Board of Managers of the California Home for the Care and Training of Feeble-Minded Children to convey certain real property.
Assembly action: pp. 874, 1198, 1291, 1317, 1338, 1347, 1526.

930—Beardslee—An Act providing for a license tax on automobiles and other vehicles operated by other than muscular force, and directing the manner of collecting the same.
Assembly action: pp. 874, 1163, 1235, 1285, 1394, 1415, 1793.

931—Lemon—An Act to provide for the reappropriation of money appropriated by an Act entitled "An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for the patients and office purposes at the Southern California State Hospital, and to make appropriation for the same," approved March 25, 1903, and to change and redirect the manner of expenditure thereof.
Assembly action: pp. 896, 1028, 1108, 1147, 1190, 1503, 1714.
Senate action: p. 1501.

932—Thompson of Los Angeles—An Act adding a new section to the Penal Code of California, to be numbered Section 1534, establishing the method of determining the average daily attendance of each common school district, of each high school, of each county, of each city and county, and of the State of California, and defining the words "average daily attendance," as used in this Code.
Assembly action: pp. 904, 1030, 1108, 1147, 1293.

933—Stetson—An Act to amend Section 1057 of the Code of Civil Procedure, relating to requisites of undertakings mentioned in said Code.
Assembly action: pp. 904, 1544.

934—Committee on Election Laws—An Act to add a new section to the Political Code, to be numbered 1366*a*, relating to primary elections, and requiring each elector to declare the name of the political party with which he intends to affiliate at the time of registering.
Assembly action: pp. 904, 1087, 1095, 1136, 1604, 1815.
Senate action: p. 1603.

935—Baxter—An Act entitled an Act to amend Section 737 of the Political Code, relating to salaries of superior judges.
Assembly action: pp. 904, 1103, 1136, 1159, 1182, 1203, 1765, 1797, 1863.
Senate action: pp. 1761, 1796.

936—Weske (by request)—An Act to add a new section to the Political Code, to be numbered 2697, providing for a notice of petition to alter, discontinue, or lay out a road, and the effect thereof.
Assembly action: pp. 904, 1260, 1331, 1360, 1583, 1831, 1863.
Senate action: p. 1830.

937—Lemon—An Act to add a new section to the Penal Code, to be numbered Section 653*e*, relating to tipping.
Assembly action: pp. 905, 1134, 1235, 1286, 1298.

938—Lucas—An Act to amend Section 1578 of the Code of Civil Procedure, relating to proceedings to obtain an order for the mortgage of real property by the administrator of any estate, or the guardian of any minor or incompetent person.
Assembly action: pp. 905, 1135, 1233, 1360, 1371.

939—Coghlan—An Act to amend Chapter I of Title V of Part III of the Political Code, providing for the care of insane, feeble-minded, and other incompetent persons, the management of State hospitals, and establishing a board of lunacy commissioners.
Assembly action: pp. 905, 1275, 1323, 1359, 1475, 1558.

940—Vogel—An Act to encourage enlistment of Californians in the regular army, navy, and marine corps of the United States, and appropriating the sum of $5,000 therefor.
Assembly action: pp. 905, 1521.

941—Vogel—An Act to amend Section 3898 of the Political Code, to make said section comply with the mandate of Section 14, Article V, of the Constitution of the State of California, in relation to grants and tax deeds.
Assembly action: pp. 905, 1161, 1840.

942—Vogel—An Act to provide for the correction of deeds heretofore executed in pursuance of Section 3898, Political Code.
Assembly action: pp. 905, 1840.

943—Vogel—An Act to amend Section 1880 of an Act entitled "An Act to establish a Code of Civil Procedure," relative to persons who can not testify upon claims against estates of deceased persons.
Assembly action: pp. 905, 1398, 1529, 1574.

944—Vogel—An Act to amend Section 290 of the Civil Code, relating to articles of incorporation.
Assembly action: p. 905.

945—Vogel—An Act to increase the number of judges of the Superior Court of the City and County of San Francisco, State of California, and for the appointment of such additional judges.
Assembly action: pp. 905, 1165.

946—Collister—An Act empowering the board of supervisors of the several counties of the State of California to direct the payment of all license fees, collected under authority of said boards, to be paid into and credited to the road fund for the road district in which the business authorized by such license is situated.
Assembly action: pp. 905, 1165, 1235, 1285, 1481.

947—Walsh—An Act to amend Section 469 of the Code of Civil Procedure of the State of California, relating to material variances.
Assembly action: pp. 954, 1134, 1234, 1417, 1494, 1830, 1864.
Senate action: p. 1828.

948—Walsh—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as Section 1203*a*, relating to liens.
Assembly action: pp. 954, 1135, 1234, 1286, 1297, 1692, 1815.
Senate action: p. 1691.

949—Walsh—An Act relative to estrays, and making it unlawful to allow any animal or animals to run at large upon the public highway, or to be staked or tied thereon.
Assembly action: pp. 954, 1135, 1234, 1286, 1377, 1521.

950—Walsh—An Act relating to estrays, providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays.
Assembly action: pp. 954, 1595.

951—Walsh—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the second class, to fix their jurisdiction, and to provide for officers of said courts, and to fix the compensation of certain officers thereof."
Assembly action: pp. 954, 1134, 1232, 1334, 1360, 1376, 1692, 1815.
Senate action: p. 1691.

952—Walsh—An Act to amend Section 1194 of the Code of Civil Procedure of the State of California, relating to liens and the docketing of a deficiency.
Assembly action: pp. 955, 1135, 1234, 1286, 1298, 1692, 1815.
Senate action: p. 1691.

953—Walsh—An Act to amend an Act entitled "An Act to create a State Bureau of Criminal Identification; providing for the appointment of a director of said bureau; defining his duties, qualifications, and powers; providing for the appointment of a clerk of said bureau and fixing his qualifications; fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office," approved March 20, 1905.
Assembly action: pp. 955, 1135, 1234, 1286, 1298, 1692, 1815.
Senate action: p. 1691.

954—Leeds—An Act to amend an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," by adding a new section thereto, to be numbered Section 9½, providing for the disposition of money raised by the sale of bonds under said Act whenever it appears to be impracticable to use said money for the purpose for which the bonds were voted.
Assembly action: pp. 955, 1013, 1088, 1098.

955—Transue—An Act to amend Section 3680 of the Political Code of the State of California, relating to the sale of land for taxes.
Assembly action: pp. 969, 1193, 1242, 1285, 1372.

956—Transue—An Act defining the character of imitation butter and imitation cheese; providing for the prevention of deception in the manufacture or sale of butter or cheese; to secure its enforcement; defining offenses committed contrary to the provisions thereof; providing penalties for the commission of such offenses; providing that the State Veterinarian shall be ex officio State Dairy Commissioner and shall also perform in addition to his duties as fixed by law, the duties of State Dairy Commissioner; designating and prescribing the duties of such State Dairy Commissioner; providing that no action can be maintained to recover on account of any sale or contract made in violation hereof; providing for the issuance and service of such warrants, when necessary for the seizure of substances designed to be used contrary to the provisions hereof, and repealing the Act entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," approved March 4, 1897.
Assembly action: pp. 969, 1165, 1239, 1285, 1581.

957—Estudillo—An Act authorizing the Superintendent of State Printing to have prepared and printed an index of all the laws of the State of California, 1850-1907, inclusive.
Assembly action: pp. 970, 1073, 1159, 1182, 1203.

958—O'Brien—An Act to amend Section 416 of the Political Code, so as to increase the amount of fees received by the Secretary of State which are payable into the State Library Fund.
Assembly action: pp. 970, 1073, 1159, 1273.

959—Wyatt—An Act to require persons and corporations owning or operating steam railroads to construct stock passes under their tracks when such tracks divide into two or more parts a parcel of land used for stock-raising, pasturage or grazing.
Assembly action: pp. 970, 1487, 1509.

960—Wyatt—An Act to add a new section to the Civil Code, to be designated and numbered Section 719, relating to leases of land for game purposes.
Assembly action: pp. 970, 1595.

961—Wyatt—An Act to repeal Section 2 of an Act entitled "An Act providing for the furnishing to sheriffs and chiefs of police of certain information, descriptions and photographs of convicts about to be discharged, by the wardens of State prisons," approved March 27, 1897.
Assembly action: pp. 970, 1153, 1235, 1286, 1372, 1558, 1580.

962—Thompson of Los Angeles—An Act to amend Section 172 of the Civil Code.
Assembly action: pp. 970, 1334, 1487, 1509.

963—Thompson of Los Angeles—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code.
Assembly action: pp. 970, 1334, 1487, 1509.

964—Coghlan—An Act to amend Section 4 of an Act entitled "An Act to create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.
Assembly action: pp. 979, 1415, 1531, 1567, 1725.

965—Fratessa—An Act to furnish the office of superintendent of schools of the City and County of San Francisco with the statutes, code amendments, and indexes to the laws of the State of California.
Assembly action: pp. 979, 1072, 1159, 1182, 1191.

966—Hewitt—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1243 thereof, relative to the place and court in which actions in eminent domain must be brought.
Assembly action: pp. 979, 1135, 1233, 1286, 1297, 1552, 1726.
Senate action: p. 1550.

967—Walsh—An Act to change the seat of government of the State of California from the City of Sacramento to the Town of Berkeley, and to submit the question of such change to the people, and to provide regulations and provisions for such submission.
Assembly action: pp. 979, 1185, 1241, 1274, 1284, 1291.

968—Lucas—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the appropriation of water and the time in which to commence the excavation and construction.
Assembly action: pp. 1040, 1306, 1379, 1417.

969—Sackett—An Act to amend "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other Acts and parts of Acts now in force relating to estrays," approved March 23, 1901, by adding a new section thereto, to be known as Section 9*a*, relating to appointment of poundkeepers outside of incorporated cities.
Assembly action: pp. 1040, 1331, 1360, 1568.

970—Cornish—An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches, a misdemeanor.
Assembly action: pp. 1040, 1166, 1227, 1286, 1433.

971—Chandler—An Act to amend an Act entitled "An Act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal officers, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations," approved March 27, 1895, amended March 20, 1905, by amending Section 6 thereof.
Assembly action: pp. 1040, 1307, 1379, 1417, 1585, 1830, 1864.
Senate action: p. 1828.

972—Cogswell—An Act appropriating money to pay expenses of improving Agricultural Park, in the City of Los Angeles, and to erect a building or buildings on said Agricultural Park property, for the purpose of holding a citrus fruit exposition in the year 1913.
Assembly action: pp. 1040, 1546.

973—Johnson of Sacramento—An Act to amend Section number 842 of the Code of Civil Procedure of the State of California, prescribing who may practice in the justices' courts of this State.
Assembly action: pp. 1040, 1595.

974—Committee on Ways and Means—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and in improving the navigability of such streams.
Assembly action: pp. 1061, 1159, 1182, 1203, 1762, 1848.
Senate action: p. 1760.

975—Committee on Ways and Means—An Act making appropriations for the support of the government of the State of California for the fifty-ninth and sixtieth fiscal years.
Assembly action: pp. 1061, 1062, 1095, 1150, 1153, 1182, 1521, 1591, 1706, 1816.
Senate action: pp. 1502, 1594, 1705.

976—Estudillo—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino Forest Reserve, and to make an appropriation therefor.
Assembly action: pp. 1061, 1077, 1168, 1241, 1285, 1299, 1300, 1726.
Senate action: p. 1550.

977—Berry—An Act to establish a uniform system of township governments; defining the powers and jurisdiction of the same, and the authority, powers and duties of the officers thereof, and providing for the election and appointment of the officers thereof; and also providing for submitting this Act to a vote of the people of the several counties of the State.
Assembly action: pp. 1061, 1793.

978—Coghlan—An Act making it unlawful in any city or city and county in the State of California for any board of supervisors, board of police commissioners, police commission, or other licensing body, authority, or person, to demand or receive from any person or persons making application for permit or license to do business in such city, or city and county, and for and on behalf of such city, or city and county, or otherwise, any license, tax, or fee, or money consideration whatever as and for license money for any period during which such applicant for such permit or license has not had such permit or license, or as a condition precedent to the granting of such permit or license, and providing for the recovery by the proper action in court by the person paying the same of any such moneys so paid, whether the same was paid under protest or not.
Assembly action: pp. 1061, 1545.

979—Whitmore—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendments thereof approved March 23, 1901, and the amendments thereof approved March 20, 1905, by amending Section 196 thereof, relating to the salaries and fees of county and township officers in counties of the thirty-ninth class.
Assembly action: pp. 1062, 1260, 1329, 1340, 1365.

980—Snyder—An Act to make an appropriation for the repair and maintenance under the supervision, management, and control of the Department of Highways of the State of California, or such other department as may by law succeed to the duties and authority thereof, of that certain State highway commencing at Pine Grove, in Amador County, and running thence via Hope Valley to connect at Osgood's Place, in El Dorado County, with the Lake Tahoe wagon road, and via Markleeville, in Alpine County, to connect at Junction, in Mono County, with the Sonora and Mono road; to place such highway under the supervision, management, and control of such Department of Highways, or such other department as may by law succeed to the duties and authority thereof, and to designate and name such State highway as the Alpine State Highway.
Assembly action: p. 1062.

981—Lemon—An Act to amend the Penal Code by adding thereto a new section, to be numbered 515, relating to embezzlement by a co-owner or co-partner.
Assembly action: pp. 1062, 1334, 1487, 1509, 1586.

982—Held—An Act to definitely establish and permanently locate the eastern boundary line of Mendocino County, between Mount Hull and the southwest corner of Tehama County, and establish the western boundary of the County of Glenn, between Mendocino and Glenn counties.
Assembly action: pp. 1073, 1194.

983—Held—An Act affecting the duties of county auditors throughout the State of California.
Assembly action: pp. 1074, 1260, 1329, 1360, 1526.

984—Held—An Act to appropriate $2,519.88 to pay the claim of Mrs. S. L. Bee for interest upon bonds issued by the Treasurer of the State of California under the provisions of the Act of the Legislature of the State of California entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852, represented by coupons 3, 4, and 5 of the following bonds: bonds for $1,000 each and numbered, respectively, 63, 64, 65, 66, 67, 77, 85, 94, 95, 101, and 284; bonds for $500 each and numbered, respectively, 57, 109, 176, and 185; bonds for $100 each and numbered, respectively, 10, 11, 77, 79, and 105.
Assembly action: p. 1074.

985—Held—An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners, and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same.
Assembly action: pp. 1074, 1700.

986—Transue—An Act to protect all citizens in their civil and legal rights, and to fix a penalty for violation thereof.
Assembly action: pp. 1074, 1498, 1580, 1596.

987—O'Brien—An Act making an appropriation for the erection of a monument in St. Mary's Cemetery, in the City of Oakland, California, to the memory of Honorable John J. Burke, deceased, and appointing a commission to carry out the provisions for such appropriation.
Assembly action: pp. 1074, 1169, 1201, 1287, 1299, 1604, 1814.
Senate action: p. 1601.

988—Fratessa—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be designated as Section 1674*a*, relating to contracts involving carriers of newspapers and newspaper carriers' business.
Assembly action: pp. 1074, 1220, 1302, 1308, 1317, 1374.

989—Percival—An Act to amend an Act entitled "An Act to prevent the propagation by the production of seed, of that certain plant known as Sorghum halepense, otherwise known as Johnson grass," approved March 20, 1903, relating to the propagation of noxious weeds.
Assembly action: pp. 1074, 1380, 1417, 1495, 1574, 1579, 1798, 1863.
Senate action: p. 1796.

990—Johnson of Sacramento—An Act to add a new section to the Penal Code of the State of California, to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.
Assembly action: pp. 1074, 1398, 1528, 1574.

991—Bishop—An Act to amend Section 6 of an Act providing for the organization and government of districts for the protection of the lands of farming or other communities or neighborhoods within this State from overflow or damage from the waters of any unnavigable stream, water course, cañon, or wash extending by, through, or over such communities or neighborhoods, and to provide for the acquisition of lands, rights of way, and other property by purchase, gift, or condemnation, and for extending, straightening, locating, improving, and maintaining the channels of such streams, water courses, cañons, or washes, and confining said waters in said channels, and preventing the overflow thereof, and for the construction by such districts of all the necessary works for said purposes, approved February 22, 1907.
Assembly action: pp. 1074, 1135, 1219, 1302, 1373, 1762, 1849.
Senate action: p. 1759.

992—Bishop—An Act entitled "An Act to amend Section 948 of the Code of Civil Procedure, relating to undertakings on appeal."
Assembly action: pp. 1075, 1595.

993—Bishop—An Act to provide for the classification of supervisors in counties of the fifteenth class where they are not now classified so that all of them shall not go out of office at the same time.
Assembly action: pp. 1075, 1259, 1329, 1360, 1584.

994—Strohl—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 476*a*, relating to the making, drawing, uttering or delivery of a bank check or draft for the payment of money by a person without funds or credit to meet the same upon presentation, and prescribing a penalty therefor.
Assembly action: pp. 1075, 1595.

995—Strohl—An Act to provide for the loan from the School Land Fund to the State of California of the sum of $250,000, providing for the transfer of said amount from the School Land Fund to the General Fund, and for the repayment of said amount with interest thereon, and authorizing the Controller to transfer moneys from the School Land Fund to the General Fund, and from the General Fund to the School Land Fund, and from the General Fund to the State School Fund to carry out the purposes of this Act.
Assembly action: p. 1075.

996—Strohl—An Act to provide for the reconstruction and repair by the Board of State Harbor Commissioners of wharves, piers, docks, bulkheads, sheds, streets, and seawall, the property of the State of California, situated on the water front of the City and County of San Francisco, and making an appropriation therefor.
Assembly action: p. 1075.

997—Stanton—An Act to empower the boards of supervisors, boards of trustees, common councils or other governing or legislative bodies of counties, cities and counties, cities and towns, to permit the holders of street railroad and interurban railway franchises therein to operate freight cars and to transport freight, and to provide for a compensation for such permission.
Assembly action: pp. 1075, 1400, 1529, 1567, 1582.

998—Stanton—An Act to provide for the maintenance and operating expenses of the Forestry Station at Santa Monica, Los Angeles County, and making an appropriation therefor.
Assembly action: pp. 1076, 1376, 1399, 1578, 1694.

999—John—An Act to provide for the creation of associations for the cremation of dead bodies, and the burial and care of the incinerate remains; to prescribe the powers thereof; to provide for the creation of an irreducible fund therefor, and to prescribe the duties of the trustees of said association.
Assembly action: pp. 1076, 1395, 1489, 1509.

1000—Wyatt—An Act to repeal Article V, of Title VI, of Part III of the Political Code, and to substitute therefor a new Article V, relating to public waters.
Assembly action: pp. 1076, 1258, 1285, 1689, 1797, 1862.
Senate action: p. 1795.

1001—Wyatt—An Act to repeal Article VI, of Title VI, of Part III of the Political Code, and to substitute therefor a new Article VI, relating to pilot regulations.
Assembly action: pp. 1076, 1258, 1285, 1689, 1797, 1862.
Senate action: p. 1795.

1002—Wyatt—An Act to add a new chapter to Title V, of Part III, of the Political Code, to be known as Chapter Ic, relating to the Women's Relief Corps Home of California.
Assembly action: pp. 1076, 1258, 1285, 1689, 1797, 1863.
Senate action: p. 1795.

1003—Johnson of Sacramento—An Act to amend Section 3495 of the Political Code of the State of California, relating to the public lands.
Assembly action: pp. 1086, 1509, 1586, 1726.

1004—Johnson of Sacramento—An Act to amend Section 3817 of the Political Code, relating to the redemption of real estate sold for delinquent taxes to the State.
Assembly action: pp. 1086, 1544.

1005—Johnson of Sacramento—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section immediately after Section 538*b* thereof, to be numbered Section 538*c*, making it the crime of larceny for the mortgagor of certain personal property to move said property during the existence of said mortgage without the written consent of mortgagee.
Assembly action: pp. 1086, 1544.

1006—Johnson of Sacramento—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section immediately after Section 507 thereof, to be numbered Section 507*a*, making it the crime of embezzlement for any person who has the lawful possession, but not the title, to personal property, to sell, transfer, mortgage, or pledge said property.
Assembly action: pp. 1086, 1544.

1007—Kohlman—An Act to amend Section 1943 of the Civil Code of the State of California.
Assembly action: pp. 1087, 1306, 1379, 1417, 1573, 1797, 1862.
Senate action: p. 1796.

1008—Kohlman—An Act to amend Section 1945 of the Civil Code of the State of California.
Assembly action: pp. 1087, 1306, 1379, 1417, 1572, 1832, 1863.
Senate action: p. 1830.

1009—Kohlman—An Act to amend Section 827 of the Civil Code of the State of California.
Assembly action: pp. 1087, 1306, 1379, 1417, 1684.

1010—Estudillo—An Act making an appropriation of twenty thousand dollars ($20,000) to be expended by the Board of Capitol Commissioners for making alterations repairs, improvements, and for otherwise completing and embellishing the State Capitol.
Assembly action: pp. 1087, 1309, 1378, 1417, 1480.

1011—Estudillo—An Act to amend Section 386 of the Political Code, relating to salary of executive secretary of the Governor.
Assembly action: pp. 1087, 1309, 1380, 1418, 1585.

1012—Drew—An Act to amend Section 2757 of the Civil Code.
Assembly action: pp. 1087, 1380.

1013—Hewitt—An Act to validate the organization and incorporation of municipal corporations.
Assembly action: pp. 1087, 1840.

1014—Stetson—An Act to amend Section 597 of the Penal Code, relating to cruelty to animals.
Assembly action: pp. 1087, 1308, 1380, 1417.

1015—Stetson—An Act to add a new section to the Civil Code, to be numbered 580, relating to banking corporations.
Assembly action: p. 1087.

1016—Walsh—An Act to amend Section 852 of the Political Code of the State of California.
Assembly action: p. 1102.

1017—Walsh—An Act to repeal Section 145 of the Political Code of the State of California.
Assembly action: p. 1102.

1018—Thompson of Los Angeles—An Act entitled an Act to amend Section 1670 of the Political Code, relating to establishing and maintaining high schools.
Assembly action: pp. 1102, 1309, 1380, 1418, 1569, 1830, 1863.
Senate action: p. 1828.

1019—Committee on Mines and Mining—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.
Assembly action: pp. 1103, 1159, 1182, 1191.

1020—Thompson of San Francisco—An Act to change, establish, and permanently locate the county lines of the County of Fresno.
Assembly action: pp. 1129, 1274, 1275.

1021—Committee on Roads and Highways—An Act for the establishment of a uniform system of road government and administration in the counties of the State of California.
Assembly action: pp. 1164, 1300, 1317, 1370, 1763, 1849.
Senate action: p. 1761.

1022—Committee on County and Township Governments—An Act to amend an Act entitled "An Act to amend Section 163 of an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, and amended March 23, 1901," approved March 20, 1905, relating to county and township officers of counties of the sixth class.
Assembly action: pp. 1165, 1329, 1359, 1376.

1023—Committee on County and Township Governments—An Act to amend Section 208 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 20, 1905, relating to the salaries and fees of county and township officers in counties of the fifty-first class.
Assembly action: pp. 1165, 1329, 1359.

1024—Committee on Ways and Means—An Act providing for the investigation of the nature and means of control of injurious diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, for the establishment and maintenance of a State Laboratory of Plant Pathology, and the appointment of a State Plant Pathologist for this purpose, and for investigations in the field of viticulture, and making an appropriation therefor.
Assembly action: pp. 1183, 1328, 1359, 1375, 1768, 1849.
Senate action: p. 1762.

1025—Committee on Ways and Means—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-seventh session.
Assembly action: pp. 1183, 1206, 1265.
Senate action: p. 1264.

1026—Transue—An Act providing for the indexing and preservation of certain books, maps, papers, and documents in the office of the Surveyor-General, and making an appropriation therefor.
Assembly action: pp. 1183, 1349, 1490, 1509, 1527.

1027—Strobridge—An Act to amend Section 5 of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.
Assembly action: pp. 1184, 1220, 1302, 1317, 1374, 1526.

1028—Stanton—An Act granting to municipal corporations of the State of California rights of way over public lands of the State, for the location, construction and maintenance of water works and power plants, and the right to take materials from such lands for the construction of such works, and to take any waters belonging to the State for the purpose of supplying such municipality and its inhabitants with water.
Assembly action: pp. 1215, 1545.

1029—Stetson—An Act to amend the Political Code of the State of California by adding divers new sections thereto, and providing for the improvement of the rivers, lakes, and streams, or any part of them, of the State of California, and prescribing the manner of locating boating claims upon them, or any part of them.
Assembly action: pp. 1215, 1802.

1030—Walsh—An Act to increase the number of judges of the Superior Court of the County of Alameda.
Assembly action: pp. 1287, 1530, 1567, 1681.

1031—Baxter—An Act to amend Section 206 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 19, 1903, and amended March 20, 1905.
Assembly action: pp. 1367, 1400, 1793.

1032—Coghlan—An Act to provide for ascertaining and expressing the will of the people of the State of California upon the subject of Asiatic immigration.
Assembly action: pp. 1367, 1560.

1033—Transue—An Act providing the conditions upon which maps outlining the subdivisions of tracts or lots of land for residence or other purposes shall be recorded in the office of the county recorder.
Assembly action: pp. 1367, 1840.

1034—Drew—An Act to amend Section 164 of an Act to establish a uniform system of county and township government, approved April 1, 1897, and Acts amendatory thereof, relating to the fees and salaries of county and township officers in counties of the seventh class.
Assembly action: pp. 1429, 1693, 1696, 1700.

1035—Committee on County and Township Governments—An Act to amend Section 56 an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to officers of a township.
Assembly action: pp. 1429, 1531, 1582, 1586.

1036—McConnell—An Act to amend Section 2713 of the Political Code, relating to construction and repair of bridges to be let out by contract.
Assembly action: pp. 1517, 1579, 1596.

1037—Transue—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 24, 1903, as amended March 20, 1905, by amending certain sections thereof, and adding two new sections thereto, and repealing Section 580 of the Civil Code.
Assembly action: pp. 1517, 1596.

1038—Lemon—An Act to authorize and empower the Board of Managers of the Southern California State Hospital for the Insane, near the City of San Bernardino, San Bernardino County, State of California, to sell and convey a strip or parcel of land situate in San Bernardino County, in the State of California, and belonging to said State, to the San Bernardino Valley Traction Company for purposes of a right of way for an electric railroad thereon.
Assembly action: p. 1575.

1039—Estudillo—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.
Assembly action: pp. 1709, 1830, 1864.
Senate action: p. 1828.

INDEX TO ASSEMBLY CONSTITUTIONAL AMENDMENTS.

1—Johnson of Sacramento—Amending Constitution relative to rights of suffrage.
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2—Johnson of Sacramento—Amending the Constitution relative to the day of rest.
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3—Held—Amending Constitution relative to primary elections.
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4—Held—Amending Constitution relative to the division of the State into fish and game districts.
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5—Estudillo—Amending the Constitution providing for free public school books.
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6—Thompson of Los Angeles—Proposed amendment to Article IX of the Constitution, relative to the appointment of a State Board of Education.
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7—Root—Relative to county and township offices.
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8—Sackett—Resolution to amend Section 6 of Article IX of the Constitution of California.
Assembly action: pp. 168, 272, 339, 355, 386, 394, 424, 1314, 1557.
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9—Devlin—A resolution providing for the separation of State from local taxation, providing for the taxation of public service and other corporations for the benefit of the State.
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10—Drew—Relative to the assessment of a mortgage, deed of trust, contract, or other obligation by which a debt is secured and to taxes due upon such assessment.
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11—Davis—Relating to the compensation and expense for officers, attachés, and employés of the Legislature, and limiting the amount thereof.
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12—Held—Relating to employés of the Senate and the Assembly.
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13—Pyle—Relating to the furnishing of the free use of school text-books by the governing bodies of school districts in the State.
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14—Johnson of Sacramento—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the expense of employés of the Senate and Assembly.
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15—Birdsall—A resolution to propose to the people of the State of California the amendment of Sections 2 and 23 of Article IV of the Constitution.
Assembly action: pp. 250, 964.

16—Drew—Proposed amendment to Article VI of the Constitution, relative to Clerk of Supreme Court.
Assembly action: pp. 250, 603, 639.

17—Davis—Relative to the amending of the legislative powers in certain reservations.
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18—Walsh—Relative to the terms of existence of certain corporations.
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19—Stetson—A resolution proposing to the people of the State of California an amendment to Section 3 of Article XI of the Constitution of the State of California, relative to the formation of new counties.
Assembly action: pp. 593, 1307.

20—Vogel—An amendment to Article XIII of the Constitution, to propose to the people of the State of California the repeal of Section 12 of Article XIII of the Constitution of the State of California, whereby to abolish State poll tax.
Assembly action: pp. 635, 1844.

21—Vogel—An amendment to Article XIII to the Constitution, as follows: A resolution to propose an amendment to the Constitution of the State of California, amending Section 10½ of Article XIII, providing that the personal property of every householder to the amount of $200, the articles to be selected by each householder, shall be exempt from taxation.
Assembly action: pp. 635, 1844.

22—Cutten—Relative to amending Section 17 of Article VI of the Constitution of the State of California.
Assembly action: pp. 713, 964, 1271.

23—Chandler—Proposed amendment to Article LX of the Constitution, relative to the formation of new counties.
Assembly action: pp. 875, 1307.

24—Sackett—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 7 of Article IX thereof, relating to boards of education.
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25—Committee on Constitutional Amendments—A resolution to propose to the people of California amending Sections 2 and 23 of Article IV of the Constitution.
Assembly action: pp. 970, 1150, 1844, 1863.

26—Fratessa—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section to be numbered 21 of Article XX thereof, relative to the number of hours of labor or employment in a calendar day.
Assembly action: pp. 1076, 1395, 1474, 1574, 1724.

27—Transue—Relative to cities of a certain population framing charter.
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28—Stetson—A resolution to propose to the people of the State of California an amendment to Section 16 of Article IV of the Constitution, in relation to the approval and return of bills by the Governor and the exercise of the veto power.
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1—Transue—Relative to the opening and publishing of the returns of the election for Governor and Lieutenant-Governor, as provided by the Constitution.
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2—Coghlan—Relative to the exclusion from this country of objectionable Asiatics.
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3—Otis—Relative to the approval of the charter of the City of Alameda, heretofore ratified by the electors of the said city.
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4—Cutten—Relative to amendments of the charter of the City of Eureka, County of Humboldt, State of California, heretofore voted for and ratified at a general municipal election.
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5—Leeds—Relative to the approval of the charter of the City of Santa Monica, Los Angeles County, California.
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6—Johnson of Sacramento—Relative to improvement of waterways in the Sacramento and San Joaquin valleys.
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7—Johnson of Sacramento—Relative to the establishment of a parcels post.
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9—Johnson of Sacramento—Relative to the admission of Japanese children in the public schools of the State of California.
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10—Transue—Relative to the death of Hon. J. J. Burke, member of the Assembly, Forty-ninth Assembly District.
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11—Transue—Relative to the death of Hon. J. J. Burke, member of the Assembly, Forty-ninth Assembly District.
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12—Stanton—Approving four certain anendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California.
Assembly action: pp. 412, 441, 521.

13—Lucas—Relative to approving the charter of the City of Santa Cruz, State of California, and the three alternative propositions submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 22d day of January, 1907.
Assembly action: pp. 412, 465, 508, 613, 1338.
Senate action: p. 550.

14—Cutten—Relative to the approving of amendments to the charter of the City of Eureka, Humboldt County.
Assembly action: pp. 543, 590, 870, 1071.
Senate action: p. 869.

15—Leeds—Relative to joint rules of the Senate and Assembly.
Assembly action: p. 557.

16—Case—Relative to Lincoln's birthday observance.
Assembly action: pp. 593, 611, 743.
Senate action: p. 629.

17—Drew—Relative to the observing of the anniversary of the birthday of George Washington.
Assembly action: pp. 611, 706.
Senate action: p. 706.

18—Thompson of Los Angeles—Relative to approving charter of City of Long Beach, voted for and ratified at special election held on the fifth day of February, 1907.
Assembly action: pp. 650, 804, 966, 1149.
Senate action: p. 965.

19—Stetson—Relative to adjournment *sine die*.
Assembly action: pp. 664, 1152, 1339, 1421, 1483, 1524, 1715.
Senate action: p. 1524.

20—Devlin—Approving twenty (20) certain amendments to the charter of the City of Vallejo, County of Solano, State of California, voted for and ratified by a majority of the qualified electors of said City of Vallejo, voting thereon at the special election held therein for that purpose on the fifth day of February, 1907.
Assembly action: pp. 789, 1013, 1265.
Senate action: p. 1264.

21—Sackett—Relative to work done by the Outdoor Art League for the five per centum bill.
Assembly action: pp. 1076, 1169, 1489, 1762, 1848.
Senate action: p. 1760.

22—Stetson—Relative to the consent of the Legislature to the absence of the State Controller, A. B. Nye, from the State for a period not to exceed three months.
Assembly action: pp. 1287, 1395, 1490, 1830, 1863.
Senate action: p. 1828.

23—Estudillo—Approving the charter of the City of Riverside, in Riverside County, California, which was voted for by the qualified electors of said city, at a special election held therein, for the purpose of ratifying said charter, on the first day of March, 1907.
Assembly action: pp. 1367, 1425, 1474, 1714.
Senate action: p. 1501.

24—Whitmore—Relative to creating a special legislative committee to inspect sites for State rifle ranges, and to report thereon at the next session of the Legislature.
Assembly action: pp. 1368, 1547.

25—Leeds—Relative to granting leave of absence to certain members of the Assembly.
Assembly action: pp. 1673, 1801, 1830.
Senate action: p. 1828.

26—Estudillo—An Act relative to the appointment of a joint committee on revision of the rules.
Assembly action: p. 1673.

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1—Berry—Relative to appointment of committee to investigate and report upon the conditions of the harbors of the State.
Assembly action: p. 97.

2—Baxter—Relative to House of Representatives Bill No. 1017, introduced by Hon. James C. Needham, providing for the transfer of certain national parks from the Interior Department to the Agricultural Department.
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3—Wilson—Relative to amending existing tariff law, providing for a relief in San Francisco for a period of five years by admitting all building material into the port of San Francisco free of all duty.
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